

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CIVIL APPELLATE JURISDICTION)

Present:

Mr. Justice Md. Badruzzaman.

And

Mr. Justice Sashanka Shekhar Sarkar

First Misc. Appeal No. 40 of 2021.

With

Civil Rule No. 97 (F.M) of 2020

Masrur Hasan Khan (Orin) and another

...Appellants.

-Versus-

Belal Hossain and others

....Respondents.

None appears

... For the appellants

Mr. Md. Rashidul Karim, Advocate

... For respondent Nos. 1-2, 7-8.

Heard and judgment on: 20.05.2024.

Md. Badruzzaman, J:

This appeal and Civil Rule arose out of same facts and accordingly, those have been heard together and now are being disposed of by this common judgment.

The appeal is directed against an order dated 03.07.2019 passed by learned Joint District Judge, 1st Court, Jamalpur in Other Class Suit No. 19 of 2017 rejecting an application for temporary injunction filed by the plaintiff-appellants.

During pendency of this appeal and at the instance of the plaintiff-appellants Rule was issued on 16.02.2020 calling upon the defendant-respondent-opposite parties to show cause as to why they should not be restrained from evicting or dispossessing the plaintiff-appellants from the suit land and at the same time the parties were directed to

maintain *status-quo* in respect of possession and position of the suit land for a period of 6 (six) months.

It appears that the order of *status-quo* was not extended further and the period of *status-quo* expired on 15.08.2020. When the matters are taken up for hearing the learned Advocate for the appellant is found absent. Since the period of *status-quo* was not extended and the plaintiff-appellants did not take any steps to extend the period of *status-quo*, we are of the view that the appellants have lost their interest in this matter. Accordingly, we find no reason to direct the parties to maintain *status-quo* or grant any injunction against the defendant-respondents.

In view of the above, the appeal is dismissed and the Rule is discharged however, without any order as to costs.

The order of *status-quo* granted earlier by this Court is hereby vacated.

The Court below is directed to proceed with the suit in accordance with law.

Communicate a copy of this judgment to the Court below at once.

(Justice Md. Badruzzaman)

I agree.

(Mr. Justice Sashanka Shekhar Sarkar)