

**In the Supreme Court of Bangladesh
High Court Division
(Civil Revisional Jurisdiction)**

Present:

Mr. Justice Md. Riaz Uddin Khan

Civil Revision No. 1409 of 2008

IN THE MATTER OF :

An application under section 115(1) of the
Code of Civil Procedure

-And-

In the Matter of:

Md. Sanowar Hossain

...Plaintiff-Respondent-Petitioner

Versus

Md. Zia and others

...Defendant-Appellants-Opposite Parties

Mr. Md. Salahuddin Talukder, Advocate

... For the Petitioner

Judgment on: 28.05.2024

Md. Riaz Uddin Khan, J:

This Rule was issued on an application under section 115(1) of the Code of Civil Procedure against the order dated 20.03.2008 passed by the learned District Judge, Gaibandha in Miscellaneous Appeal No. 17 of 2008 staying the operation of the order No. 08 dated 12.03.2008 passed by the learned Senior Assistant Judge, Gobindagonj, Gaibandha in Other Class Suit No. 15 of 2008 granting temporary injunction restraining the defendants from disturbing the plaintiff from peaceful use of a disputed tube-well. It appears that at the time of issuance of Rule on 20.04.2008 this Court directed the learned District Judge, Gaibandha to dispose of the Miscellaneous Appeal being No. 17 of 2008 positively within a period of 3(three) months from date of receipt of the order.

This matter was appeared in the list of this Court on 23.11.2023 and this Court directed the

District Judge, Gaibandha to submit a report before this Court through the office of the Registrar of this Court (High Court Division) regarding the present stage of the Miscellaneous Appeal No. 17 of 2008 as well as the Other Class Suit No. 15 of 2008 within 01 (one) month from receipt of the order.

The District Judge, Gaibandha submitted a report through the office of the Registrar of this Court on 22.01.2024 by a memo bearing স্মারক নং-জেজঃ(গাইঃ) ১৪(৩)/২০২৪-৩৭. It appears from the report that the Miscellaneous Appeal No. 17 of 2008 was finally disposed of by the Court of Appeal on 05.06.2008. It further appears from the report that Other Class Suit No. 15 of 2008 has been dismissed for default on 20.04.2011 and the record has already been destroyed on 31.08.2014 as per procedure.

In such view of the matter the Rule has become infructuous, hence the it is **discharged**.

Communicate the judgment at once.