

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

Present:

Mr. Justice Md. Riaz Uddin Khan

Civil Revision No. 2374 of 2012

IN THE MATTER OF :

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

-And-

In the Matter of:

Mst. Asma Begum

...Plaintiff-Respondent-Petitioner

Versus

Nurnnahar and others

...Defendant-Appellant-Opposite Parties

None

.... For both the parties

Judgment on: 28.05.2024.

Md. Riaz Uddin Khan, J:

Rule was issued calling upon the opposite party No. 1 to show cause as to why the judgment and order dated 20.06.2012 passed by the learned District Judge, Munshiganj in Election Tribunal Appeal No. 01 of 2012 reversing the judgment and order dated 15.11.2011 passed by the Election Tribunal, Munshiganj (Senior Assistant Judge, Sadar) in Election Tribunal Case No. 01 of 2011 should not be set aside and or such other or further order or orders passed as to this court may deem fit and appropriate.

At the time of issuance of Rule the operation of the impugned judgment and order passed by the learned District Judge, Munshiganj was stayed for a period of 03 (three) months which was lastly extended for a period of 06 (six) months by order dated 03.12.2012.

No one appears to support or oppose the Rule when the matter is taken up for hearing today.

It appears from the records that the petitioner being the plaintiff filed Election Tribunal Case No. 01 of 2011 challenging the Election result of reserve seat for women member of Latabdi Union Parishad, under Sirajdikhan Upazila of Munshiganj district. After conclusion of trial the learned Judge of the Election Tribunal by her judgment and order dated 15.11.2011 was pleased to allow the Election Case in favour of the plaintiff-petitioner declaring her as the women member for the reserve seat of Latabdi Union Parishad under Munshiganj District.

Challenging the above judgment and order dated 15.11.2011 passed by the Election Tribunal, Munshiganj opposite party No. 2, the earlier declared elected women member, filed Election Tribunal Appeal No. 01 of 2012 before the learned District Judge, the Election Appellate Tribunal, Munshiganj. The learned Judge after hearing the appeal was pleased to allow the appeal and thereby reversed the judgment and order passed by the Election Tribunal by his judgment and order dated 20.06.2012.

Being aggrieved by and dissatisfied with the said judgment and order passed by the Election Appellate Tribunal, the District Judge, Munshiganj the plaintiff-respondent filed the instant Revision and obtained the Rule and order of stay as stated at the very outset.

It is already noticed that the operation of the impugned judgment and order was stayed initially for 03 (three) months which was lastly extended for 06 (six) months by order dated 03.12.2012, which means the order of stay was expired on 02.06.2013. Though the matter was fixed for hearing by a single bench of

this Court on 21.01.2013 but thereafter no step has been taken by the parties to get the matter heard. It transpires from the record that the result of the Election was declared on 31.05.2011 and meanwhile 14 years have been elapsed. According to law [sections 28 and 29 of the Local Government (Union Parishad) act, 2009] the term of any elected Chairman and members of any Union Parishad is for a period of 05 years from the date of first meeting of the Parishad and this meeting must be held within 30 days of publication of Gazette of election result. In the mean time, in 2016 and 2022 elections of the said Union Parishad have been held twice.

In such view of the matter the instant Rule has become infructuous long before.

In the result the Rule is discharged as being infructuous.

Send down the Lower Court Records along with a copy of this judgment and order at once.

Ziaul Karim
Bench Officer