

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

Present:

Mr. Justice S. M. Saiful Islam

Civil Revision No. 3782 of 2022

IN THE MATTER OF:

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

And

IN THE MATTER OF:

Md. Nurul Islam Sarkar

---- Defendant-Appellant-Petitioner.

-versus-

Md. Abdul Matin Pramanik

---- Plaintiff-Respondent-Opposite Party.

Mr. Md. Rafiqul Islam Sardar, Advocate

---- For the Petitioner.

Mr. Syed Asifur Rahman, Advocate

--- For the Plaintiff-Respondent-O.P.

Heard On: 14.01.2026

Date of Judgment and Order: 15.01.2026.

S. M. Saiful Islam, J.

This Rule was issued upon an application under section 115(1) of the Code of Civil Procedure, 1908 calling upon the opposite party No. 1 to show cause as to why the impugned Judgment and Order dated 03.08.2022 passed by the learned Senior District Judge, Bogura in Miscellaneous Appeal No. 03

of 2021 dismissing the appeal and thereby affirming the Judgment and Order dated 15.12.2020 passed by the learned Joint District Judge, 2nd Court, Bogura in Other Class Suit No. 94 of 2020 should not be *set aside* and/or such other or further order or orders passed as to this Court may deem fit and proper.

It appears from the record that learned trial Court by Order dated 15.12.2020 allowed the petition of the plaintiff for temporary injunction and thereby restrained the defendant Nos. 1-10 from establishing deep tube well in the suit land or obstructing the plaintiff from operating their deep tube well in the scheduled land till disposal of the suit. In Miscellaneous Appeal No. 03 of 2021 that Order of Trial Court was affirmed by the impugned Order.

Learned Advocate Md. Rafiqul Islam Sardar appearing on behalf of the petitioner submits with affidavit that Other Class Suit No. 94 of 2020 has been dismissed by the Trial Court for default on 12.02.2024. A certified copy of that Order has been filed as Annexure- "H".

Learned Advocate for the Opposite Party does not oppose and he also admits that the original suit has been dismissed.

Now, it appears that as the original suit (Other Class Suit No. 94 of 2020) has been disposed of by dismissal, the order of temporary injunction does no longer exist and consequently the Rule has become infructuous .

Accordingly, this Rule is disposed of as being infructuous.

Communicate this order to the concerned Court below at once.