

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

**Civil Revision No. 170 of 2023**

**In the matter of:**

Abdul Khaleque and others.  
...Petitioners.

**-Vs-**

Lotimon Bewa being dead her legal heirs;  
Tofazzal Hossain and others.  
...Opposite parties.

Mr. Md. Sanowar Rahman, Adv.  
...For the petitioners.

Mr. Md. Alamgir Mostafizur Rahman, Adv. with  
Mr. Md. Sahabuddin Khan (Large), Adv.  
Mr. Md. Shaiful Alam, Adv.  
Mr. G.A. Sayem Ratan, Adv.  
Ms. Salma Sultana, Adv.

...For the opposite parties.

Heard on: **30.08.2023, 05.12.2023 & 03.03.2024**

**And**

Judgment on: **The 4<sup>th</sup> February, 2025**

**Present**  
Mr. Justice Mamnoon Rahman

In an application under section 115(1) of the Code of Civil Procedure, 1908 rule was issued calling upon the opposite parties to show cause as to why the impugned judgment and order dated 25.07.2012 passed by the learned District Judge, Thakurgaon in Miscellaneous Appeal No. 24 of 2011 and thereby allowing the appeal for appointment of receiver after setting aside the judgment and order dated 15.11.2011 passed by the learned Joint District Judge, 1<sup>st</sup> Court, Thakurgaon in Partition Suit No. 84 of 1982 rejecting the application for appointing a receiver under Order 40 Rule 1 of the Code of Civil Procedure should not be set aside and/or pass such other or further order or orders as to this court may seem fit and proper.

I have heard the learned Advocates for the petitioners as well as opposite parties. I have perused the impugned judgment and order passed by

the court below, perused the revisional application, ground taken thereon as well as necessary papers and documents annexed herewith.

On perusal of the same, it transpires that challenging an appointment of receiver by the lower appellate court the petitioner moved before this court and obtained the present rule. However, the learned Advocates for the petitioners as well as opposite party submits that in the meantime the execution case has already been disposed of on satisfaction and there is no cause of action subsists to maintain the instant order.

Since the execution case has already been disposed of with satisfaction by execution of the final decree the instant appointment lost its force. Hence, the instant rule is discharged as being infructuous.

Communicate the order at once.

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(Mamnoon Rahman,J:)