

Present:

Mr. Justice Sheikh Abdul Awal

and

Mr. Justice Md. Mansur Alam

First Miscellaneous Appeal No. 09 of 2009

In the Matter of:

Dhaka WASA Karmachari Bahumuki Samabaya
Samity Limited.

.....Plaintiff -appellant.

-Versus-

Dhaka WASA Water Supply and Sewerage
Authoriy (WASA)

...Defendant-respondents.

No one appears

... For the plaintiff -appellant.

Mr. Md. Yousuf Ali, D.A.G.with

Ms. Israt Jahan, A.A.G with

Mr. Md. Siddik Ali, A.A.G with

Ms. Sabina Yasmin Nira, A.A.G

.....For the defendant-respondents.

Judgment on 02.06.2025.

Sheikh Abdul Awal, J:

This first Miscellaneous appeal at the instance of the plaintiff -appellant is directed against the order No. 16, dated 06.01.2009 passed by the learned Joint District Judge, 3rd Court, Dhaka in Title Suit No. 3642 of 2008 rejecting the prayer for temporary injunction.

Short fact of the case is that pursuant to recommendation of monitory cell of public procurement regulation 2003 the defendant No. 2 on 13.05.2007 got lease of Zone No. 6. Thereafter,

challenging the said lease the plaintiff filed this Title Suit No. 3642 of 2008 in the Court of learned Joint District Judge, 3rd Court, Dhaka.

Thereafter, while the suit was in progress the plaintiff filed an application for ad-interim injunction restraining defendant No. 1 from transferring revenue zone-6.

The learned Joint District Judge after hearing hearing the application by his order dated 06.01.2009 rejected the prayer for temporary injunction as well as vacated the order of status-quo on the finding that there is no prima-facie arguable case in favour of plaintiff and that balance of convenience and inconvenience is not in favour of the plaintiff.

Aggrieved thereby, the plaintiff filed this First Miscellaneous Appeal.

No one found present to press the appeal on repeated calls since long.

In view of the fact that this petty old Appeal has been dragging before this Court over a period of 15 years, we are inclined to take it up for disposal on merit according to papers on record.

Mr. Md. Yousuf Ali, the learned Deputy Attorney General appearing for WASA (respondent) points out that the lease period granted earlier has already been expired long before and in that view of the matter this First Miscellaneous Appeal has become infructuous.

On going through the impugned order, it appears to us that defendant No. 1 on 13.05.2007 granted lease in favour of defendant No. 2 for a period of 2 years with effect from June 2007.

The said period has already been expired long before. It further appears that the trial Court by the impugned order dated 06.01.2009 rejected the prayer for injunction on the finding that the plaintiff could not establish any prima-facie arguable case in his favour, balance of convenience and inconvenience is not infavour of the plaintiff. This finding of the trial Court appears to us well founded in law and facts. No interference, is therefore, called for.

In the result, the appeal is dismissed without any order as to costs.

Let a copy of this judgment be communicated to the Court concerned at once.

Md. Mansur Alam, J:

I agree.