

Present:-

Mr. Justice Mahmudul Hoque

Civil Revision No.6609 of 2023

Abdul Mannan Biswas

... Petitioner

-Versus-

Md. Mizanur Rahman and others

...Opposite-parties

Mr. Md. Moniruzzaman, Advocate

...For the petitioner

Mr. Muhammad Salahuddin with

Md. Mahmudul Hasan, Advocates

...For the opposite-party No.1.

Judgment on 30th July, 2025.

On an application under Section 115(1) of the Code of Civil Procedure this Rule was issued at the instance of the petitioner calling upon the opposite party No.1 to show cause as to why the impugned judgment and order dated 20.07.2023 passed by the learned District Judge, Patuakhali in Miscellaneous Appeal No.28 of 2022 disallowing the same and thereby affirming the order dated 05.04.2022 passed by the learned Joint District Judge, 2nd Court, Patuakhali in Title Suit No.104 of 2022 allowing the application under Order 39 Rules 1 and 2 of the Code of Civil Procedure granting an order of status-quo should not be set aside and/or pass such other or further order or orders as to this Court may seem fit and proper.

At the time of issuance of the Rule this Court stayed operation of the order dated 05.04.2022 passed by the learned Joint District Judge, 2nd Court, Patuakhali in Title Suit No.104 of 2022. By filing supplementary affidavit learned Advocate apprised the Court that the Title Suit No.104 of 2022 was dismissed for default on 18.05.2025 as the plaintiff took no step in the suit. Since the original suit dismissed by the trial court for default this Rule has become infructuous, resultantly, he prays for disposing the Rule as being infructuous.

Accordingly, the Rule is disposed of, however, without any order as to costs.

The order of stay stands vacated.

Communicate a copy of the judgment to the Court concerned at once.