

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

Present

Mr. Justice Md. Riaz Uddin Khan

First Miscellaneous Appeal No. 181 of 2000

With

Civil Rule No. 806 (FM) of 1999

IN THE MATTER OF:

Mohammad Humayan Akhter

... Plaintiff-Appellant

-Versus-

Akhter Kabir Chowdhury and others

... Defendant-Respondents

None

...For the parties

Judgment on: 14.05.2026

Md. Riaz Uddin Khan, J:

This First Miscellaneous Appeal is directed against the order dated 30.11.1999 passed by the Subordinate Judge, 1st court, Chittagong in Other Suit No.177 of 1999 refusing to restrain the respondents 1 and 5 from proceeding further with the Enquiry Report dated 14.11.1999 of the respondents 2 to 4 by an order of temporary injunction.

A Division Bench of this Court admitted this appeal by order dated 08.12.1999 and on the same date by issuing Rule in Civil Rule No.806 (FM) of 1999 restrained the respondents 1 and 5 by an order of ad-interim injunction not to proceed further with the Enquiry Report dated 14.11.1999 of the respondents 2-4.

Though this First Miscellaneous Appeal was admitted by a Division Bench of this Court as per the then rule of the Supreme Court (HCD) Rules, 1973 but at present as per Rule-1B of Chapter-II of the Rules, 1973 this appeal is to be heard by a Single Bench.

I have perused the memorandum of appeal and also gone through the impugned order. I have also perused

the application for injunction upon which the Civil Rule No.806 (FM) of 1999 is issued.

It appears from record that due to elevation of the only learned advocate for the appellant this Court by order dated 22.04.2010 directed the office to issue notice upon the appellant in the Form of N-10 and accordingly it was issued vide memo no.3129F dated 29.08.2010 which was duly served as it appears from office note dated 19.10.2010. In the meantime, more than 15 years have been elapsed and till today the appellant did not appear either in person or through lawyer.

Since no one appears for the parties for which this Court was not informed about the result of the Other Suit No.177 of 1999. It is legitimate expectation that the suit would be disposed of within reasonable time.

Be that as it may, it appears from record that on several dates this appeal came up in the daily cause list but the appellant did not appear. Today when the matter is taken up for hearing no one appears for the appellant. In such view of the matter, this Court has no option but to dismiss the appeal as per Rule-17(1) of Order XLI of the Code of Civil Procedure.

Accordingly this First Miscellaneous Appeal is **dismissed**. The connected rule being Civil Rule No.806 (FM) of 1999 is also **discharged** in the light of this judgment. However, there will be no order as to cost. The interim order dated 08.12.1999 passed by this Court **stands vacated**.

Communicate this judgment and order at once.