

Present:

Mr. Justice Sheikh Abdul Awal
and

Mr. Justice Md. Mansur Alam

In the Matter of:

First Miscellaneous Appeal No. 102 of 2009

Mahabub

.....Plaintiff-appellant

-Versus-

Upazila Nirbahi Officer

...Defendant-respondent.

None appears

..... For the appellant

None appears

..... For the respondent

Judgment on 21.05.2025

Sheikh Abdul Awal, J:

This First Miscellaneous Appeal is directed against the order dated 15.04.2009 passed by the learned Joint District Judge, 1st Court, Kishoregonj in Other Class Suit No. 21 of 2009 rejecting the application under Order 39, Rule 1 and 2 read with section 151 of the Code of Civil Procedure for temporary injunction.

The material facts are that while Other Class Suit No. 21 of 2009 was in progress in the Court of the learned Joint District Judge, 1st Court, Kishoregonj, the plaintiff-appellant filed an application under Order XXXIX, Rule 1 and 2 read with section 151 of the Code of Civil Procedure for temporary injunction restraining the defendant not to disturb the plaintiff as to Ferry-Ghat till disposal of the suit.

The learned Joint District Judge, 1st Court, Kishoregonj after hearing the parties by his order dated 15.04.2009 rejected the application for temporary injunction.

Being aggrieved by the aforesaid impugned order dated 15.04.2009 passed by the learned Joint District Judge, 1st Court, Kishoregonj the plaintiff-appellant filed this First Miscellaneous Appeal before this Court.

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

In view of the fact that this petty old appeal arising out of an interlocutory order has been dragging before this Court over a period of 16 years, we are, inclined to take it up for disposal on merit as per materials on records.

On scrutiny of the record, it appears that the lease of Ferry-Ghat was granted till 1st Boishak, 1415 to 30th Chaitra, 1415 which has already been expired long before. Therefore, the instant First Miscellaneous Appeal challenging as to possession of Chamta Ferry-Ghat has become in-fractious as the lease period has already expired long before.

In any view of the matter, having regard to the fact as aforesaid, this appeal must fail.

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

Since the appeal is dismissed, the connected Rule being Civil Rule No. 322 (FM) of 2009 is also discharged.

Communicate this order at once.

Md. Mansur Alam, J:

I agree.

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and

Mr. Justice Md. Mansur Alam

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