

District: Sherpur

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

Present:

Mr. Justice Sardar Md. Rashed Jahangir

Civil Revision No. 1812 of 2011

In the matter of :

Md. Golam Mostafa and others

...petitioners

-Versus-

Moulvi A. Mannan

...Opposite party

No one appears

...For either of the parties

Judgment on: 28.04.2024

The Rule was issued on an application under section 115(1) of the Code of Civil Procedure calling upon the sole opposite party to show cause as to why the order dated 28.03.2011 passed by the District Judge, Sherpur in Miscellaneous Appeal No. 12 of 2011 rejecting the application for stay of operation of the order dated 20.03.2011 passed by the Joint District Judge, First Court, Sherpur in Other Class Suit No. 08 of 2011 allowing the application of plaintiff filed under Order XXXIX, rule 1 read with section 151 of the Code of Civil Procedure restraining the defendants from interfering into the function of acting principal of the Madrasha in question 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, i.e. on 09.05.2011, operation of the judgment and order dated 20.03.2011 passed by the Joint District Judge, First Court, Sherpur allowing the application for temporary injunction was stayed initially for a period of 6(six) months and subsequently, on 27.10.2011 the said order of stay was extended for a further period of 6(six) months and the said order of stay has been expired on 27.04.2012. None on behalf of the petitioner took any initiative to extend the order of stay granted at the time of issuance of the Rule.

For effective disposal of the Rule, I see no necessity to enter into the merit in detail; because, the instant civil revisional application has been arisen out of an interlocutory order of learned District Judge, Sherpur rejecting an application for interim stay of the order of restraintment dated 20.03.2011 passed in Other Class Suit No. 8 of 2011 by the Joint District Judge, First Court, Sherpur; although at the time of issuance of the Rule this Court on being pleased to stay operation of the order of restraintment dated 20.03.2011 of learned Joint District Judge of Sherpur passed in Other Class Suit No. 8 of 2011 but the said order of stay has been expired on 27.04.2012 and the original suit, i.e. Other Class Suit No. 8 of 2011 of the Court of Joint District Judge, First Court, Sherpur has been allowed to proceed with the order of restraintment. In the meantime, 12(twelve) years has been elapsed.

In the facts and circumstances stated in above, this Court is of the view that the Rule has become infructuous. However, the learned District Judge of Sherpur and learned Joint District Judge, First Court, Sherpur are required to give a direction to hear and dispose of the Miscellaneous Appeal No. 12 of 2011 and the Other Suit No. 8 of 2011, respectively as early as possible, if those were not disposed of in the meantime.

With the above direction and observation, the Rule is discharged without any order as to cost.

Communicate the judgment and order at once.