

District: Sherpur

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

Present:

Mr. Justice Sardar Md. Rashed Jahangir

Civil Revision No. 1601 of 2011

In the matter of :

Md. Atiur Rahman alias Atiq and others
...Petitioners

-Versus-

Md. Rafiqul Islam Akanda and others
...Opposite parties

Mr. Md. Khorshedul Alom, Advocate
...For the petitioners

Heard and 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 plaintiff-opposite party No. 1 to show cause as to why the judgment and order dated 20.03.2011 passed by the District Judge, Sherpur in Miscellaneous Appeal No. 47 of 2010 allowing the appeal-in-part modifying the order dated 11.10.2010 passed by the Senior Assistant Judge, Sherpur Sadar, Sherpur in Other Class Suit No. 341 of 2010 allowing the application for temporary injunction filed by the plaintiff-opposite party No. 1 under Order XXXIX, rule 1 and 2 of the Code of Civil Procedure restraining the defendants-petitioners from appointing as well as 7(seven) Lecturers for 7(seven) separate

departments and 2(two) Demonstrators through the process of advertisement for appointment dated 15.09.2010 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 03.04.2011, operation of the judgment and order dated 20.03.2011 passed by the District Judge, Sherpur in Miscellaneous Appeal No. 47 of 2010 was stayed initially for a period of 6(six) months and subsequently, the order of stay was extended till disposal of the Rule on 14.02.2012.

From office note dated 23.11.2011, it appears that the notice was duly served upon the plaintiff-opposite party No. 1 and thereafter, the Rule has been made ready for hearing but no one appears for the opposite-party No. 1 till date.

Since the instant civil revisional application has been arisen out of an interlocutory order of temporary injunction dated 11.10.2010 passed by the Senior Assistant Judge, Sherpur in Other Class Suit No. 341 of 2010 allowing the application filed under Order XXXIX, rule 1 and 2 of the Code of Civil Procedure. Having been aggrieved by the order of restraintment the defendants moved before learned District Judge, Sherpur in Miscellaneous Appeal No. 47 of 2010 and learned District Judge by his judgment and order dated 20.03.2011 allowed the appeal-in-part and modifying the order of injunction dated 11.10.2010 passed by the Senior Assistant Judge, Sherpur Sadar, Sherpur in Other Class Suit No. 341 of 2010.

On being aggrieved by the order of learned District Judge, Sherpur dated 20.03.2011 the defendants moved this Court and obtained a Rule and order of stay and subsequently, the order of stay has been extended till disposal of the Rule.

I have gone through the revisional application along with the impugned order and the annexures appended thereto.

In the premise above, this Court is of the view that the justice would be best served if the Senior Assistant Judge, Sherpur Sadar, Sherpur is directed to hear and dispose of the original suit within a shortest possible time, if the same has not been disposed of otherwise.

Accordingly, the Rule is disposed of with direction upon the Senior Assistant Judge, Sherpur Sadar, Sherpur to hear and dispose of the Other Class Suit No. 341 of 2010 as early as possible, if the same has not been otherwise disposed of in the meantime.

No order as to cost.

Communicate the judgment and order at once.