

District: Kurigram

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

Present

Mr. Justice Sardar Md. Rashed Jahangir

Civil Revision No. 544 of 2007

In the matter of :

Monir Uddin Sarkar and others

... Petitioners

-Versus-

Md. Nur Islam Mia and others

...Opposite-parties

No one appears for either of the parties.

Judgment on: 21.05.2024

The Rule was issued on 25.02.2007 calling upon the opposite-party No. 1 to show cause as to why the order No. 2 dated 29.11.2006 passed by the District Judge, Kurigram in Miscellaneous Appeal No. 77 of 2006 so far it relates to disallowing of the application of stay operation of the judgment and order dated 12.11.2006 passed by the Senior Assistant Judge, Nageshwari, Kurigram in Other Class Suit No. 133 of 2006 allowing an application under Order XXXIX rule 1 of the Code of Civil Procedure for temporary injunction 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, operation of the order of temporary injunction dated 12.11.2006 passed by the Senior Assistant Judge, Nageshwari, Kurigram in Other Class Suit No. 133 of 2006 was stayed initially for a period of 6(six) months and subsequently, the said order of stay was extended from time to time and on 18.02.2009 the order of stay was extended till disposal of the Rule.

No one appears for either of the parties.

It appears from the record that the instant revisional application has arisen out of an interlocutory order of learned District Judge, Kurigram refusing to grant interim stay of the order of temporary injunction dated 12.11.2006 granted by the trial Court pending disposal of the Miscellaneous Appeal No. 77 of 2006 arising out of the said order of temporary injunction dated 12.11.2006.

At the time of issuance of the Rule by an interim order, the order of temporary injunction has been stayed and the said stay order still exists effectively. In the meantime 17(seventeen) years of time has been elapsed. In such facts and circumstances this Court is of the view that if the appellate Court below, the District Judge, Kurigram is directed to hear and dispose of the miscellaneous appeal at the earliest possible time, if the same has

not otherwise been disposed of, then justice would be met for now.

Accordingly, learned District Judge, Kurigram is hereby directed to hear and dispose of Miscellaneous Appeal No. 77 of 2006 as early as possible, if the same has not otherwise been disposed of.

With the aforesaid direction, the Rule is disposed of.

No order as to cost.