

Present:

Mr. Justice Sheikh Abdul Awal

and

Mr. Justice Md. Mansur Alam

In the Matter of:

First Miscellaneous Appeal No. 84 of 2014

Fahad Hossain

.....defendant-

appellant

-Versus-

Md. Nasiruddin and others

...Pre-emptor-respondents.

None appears

..... For the appellant.

None appears

..... For the respondents

Judgment on 22.04.2025

Sheikh Abdul Awal, J:

This First Miscellaneous Appeal is directed against the order dated 19.08.2013 passed by the learned Joint District Judge, 1st Court, Dhaka in Civil Suit No. 1013 of 2012 allowing the application in part under Order 39, Rule 1 and 2 read with section 151 of the Code of Civil Procedure for temporary injunction.

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 11 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 respondent Nos. 1-3 as pre-emptors filed Case No. 1013 of 2012 before the learned

Joint District Judge, 1st Court, Dhaka for pre-empting the case land as described in the schedule of the pre-emption application.

While the case was in progress, the pre-emptors 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 opposite parties from transferring the case land elsewhere.

The learned Joint District Judge, 1st Court, Dhaka after hearing application by order dated 19.08.2013 allowing the application in part restraining the defendant No.1 not to transfer the suit land.

Being aggrieved by the aforesaid impugned order passed by the learned Joint District Judge, 1st Court, Dhaka, the pre-emptor-appellant filed this First Miscellaneous Appeal before this Court.

Since no one appears to press the appeal we are not able to know about the exact position of the case whether the case is pending or disposed of.

However, on going through the available materials on records together with the impugned order it appears to us that the learned Joint District Judge on assigning sound reason allowed the application in part restraining the pre-emptee opposite party No.1 from transferring the case land elsewhere.

The reasonings given by the learned Joint District Judge appears to us to be proper and sound and we, do not find any reason to differ from it. No interference is, therefore, called for.

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.

Communicate this order at once.

Md. Mansur Alam, J:

I agree.