

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

**Present:**

**Mr. Justice Zafar Ahmed**

**Civil Revision No. 2486 of 2002**

Saiful Islam Chowdhury and others

Plaintiff-respondent-petitioners

-Versus-

Mohammad Ishaque being dead his legal heirs  
Sufia Khanom and others

Defendant-appellant-opposite parties

None

...For the petitioners

Mr. Maqbul Ahmed

... For the opposite party Nos. 3-4

**Heard and Judgment on: 04.11.2024**

In the instant civil revisional application filed under Section 115(1) of the Code of Civil Procedure (CPC), this Court on 22.05.2002 issued a Rule calling upon the opposite party Nos. 1-2 to show cause as to why the judgment and order dated 28.03.2002 passed by the learned Additional District Judge, 5<sup>th</sup> Court, Chattogram in Miscellaneous Appeal No. 189 of 2000 reversing those dated 29.10.2000 passed by the learned Senior Assistant Judge, Raozan, Chattogram in Other Suit No. 99 of 1990 should not be set aside.

At the time of the issuance of the Rule, this Court passed an interim order directing the trial Court to proceed with the suit and to dispose of the same as expeditiously as possible.

None appeared for the petitioners when the Rule was taken up for hearing.

The trial Court granted mandatory injunction in favour of the plaintiff and against the defendant Nos. 1-4. The appellate Court below set aside the trial Court's order of mandatory injunction and hence, instant civil revision.

Mr. Maqbul Ahmed, the learned Advocate appearing for the defendant Nos. 3 and 4-opposite parties filed an application stating that the original Other Suit No. 99 of 1990 has been dismissed for default on 21.08.2005. The information slip issued by the concerned Court has been annexed as Annexure-1 to the said application containing the information as to dismissal of the suit.

Since, the original suit has been dismissed for default, the instant Rule arising out of an interlocutory order has lost its force and has become infructuous.

In the result, the Rule is discharged as being infructuous.