

District: Dinajpur

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

Present

**Mr. Justice Sardar Md. Rashed Jahangir**

**Civil Revision No. 4275 of 2004**

In the matter of :

Md. Jhalu

... Petitioner

-Versus-

Md. Monsur Ali and others

...Opposite-parties

No one appears for either of the parties.

**Judgment on: 21.05.2024**

The Rule was issued calling upon the opposite-parties to show cause as to why the order dated 02.09.2004 passed by the District Judge, Dinajpur in Miscellaneous Case No. 27 of 2004 summarily rejecting the application filed under section 24 of the Code of Civil Procedure arising out of Other Class Appeal No. 57 of 2003 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 on 30.10.2004, all further proceedings of Other Class Appeal No. 57 of 2003 and

those of Miscellaneous Case No. 5 of 2003 were stayed initially for a period of 6(six) months. Thereafter, on 25.04.2005 the said order of stay was extended for a further period of 6(six) months and after expiry of the aforesaid period neither the petitioner nor his learned Advocate took initiative to extend the order of stay.

For effective disposal of this Rule, it is not necessary to enter into the detail facts of the case, save and except the facts are that the present petitioner on being aggrieved by the judgment and decree dated 08.03.2003 passed by the Assistant Judge, Kaharole, Dinajpur in Other Class Suit No. 12 of 2000 preferred Other Class Appeal No. 57 of 2003 before the District Judge, Dinajpur. The said other class appeal was transferred to the Additional District Judge, Second Court, Dinajpur for hearing. The plaintiff-appellant-petitioner on 22.08.2004 filed an application before the District Judge, Dinajpur under section 24 of the Code of Civil Procedure being Miscellaneous Case No. 27 of 2004 raising same allegation against the Additional District Judge, Second Court, Dinajpur, who was then in the office on the relevant time. The learned District Judge on 02.09.2004 after hearing the appellant-petitioner by his order rejected the application filed under section 24 of the Code of Civil Procedure summarily.

On being aggrieved by and dissatisfied with the order of learned District Judge, Dinajpur dated 02.09.2004 the plaintiff-

appellant-petitioner filed this revisional application and obtained the Rule together with an order of stay.

No one appears for either of the parties.

From the record, it appears that the instant civil revisional application has been filed challenging an order of learned District Judge, Dinajpur dated 02.09.2004 rejecting summarily the application filed under section 24 of the Code of Civil Procedure, through which the plaintiff raised objection against a judicial officer who which was at the relevant time served as the Additional District Judge of Second Court, Dinajpur. In the meantime, almost 20(twenty) years has been elapsed, thus the cause of action of this revisional application as well as the grievance of the petitioner has become infructuous, and as such, the instant Rule bears no merit.

Accordingly, the Rule is discharged without any order as to cost.