

Present:
Mr. Justice Md. Shohrowardi
Civil Revision No. 834 of 2016
Alhaj Mizanur Rahman (Badol)....Petitioner
-Versus-
Md. Ruhul Amin and others....Opposite parties
No one appears.
....For the petitioner
No one appears.
....For the opposite parties
Heard on 30.06.2026
Judgment delivered on 30.06.2026

On an application under section 115(1) of the Code of Civil Procedure, 1908 Rule was issued calling upon the opposite parties to show cause as to why the impugned judgment and order dated 17.09.2015 passed by the District Judge, Barguna in Miscellaneous Appeal No. 02 of 2015 affirming the judgment and order dated 20.01.2015 passed by the Senior Assistant Judge, Betagi, Barguna in Title Suit No. 81 of 2014 should not be set aside and/or such other or further order or orders passed as to this Court may seem fit and proper.

The relevant facts for disposal of the Rule are that the plaintiff opposite party Md. Ruhul Amin filed Title Suit No. 81 of 2014 in the Court of Assistant Judge, Betagi, Barguna, impleading the petitioner Alhaj Mizanur Rahman (Badol) and others as defendants, praying for a decree of declaration that the Managing Committee of No. 66 North Bethmore Government Primary School is illegal, collusive, fraudulent and not binding upon the plaintiff. During pendency of the said suit, the plaintiff filed an application under Order 39 Rule 1 and section 151 of the Code of Civil Procedure, 1908, praying for an injunction restraining the defendant Nos. 1 to 12 from discharging their duty as the members of the Managing Committee of the said school against which, the defendant Nos. 1 to 12 filed written objection. After hearing, the Assistant Judge, Betagi, Barguna, Sadar by order dated 20.01.2015 allowed the application restraining the defendant Nos. 1 to 12 from discharging their duty as member of the Managing Committee based on the approval dated 10.02.2014 and directed the defendant No. 12, Upazilla Primary Education Officer, Betagi, Barguna to form an Ad-hoc Committee within 15(fifteen) days against which, the defendant No. 1 Alhaj Mizanur Rahman (Badol) filed Miscellaneous Appeal No. 02 of 2015 in the Court of the District Judge, Barguna and the appellate Court after hearing the appeal by impugned judgment and order dated 17.09.2015 dismissed the appeal affirming the order dated 20.01.2015 passed in Title Suit No. 81 of 2014 (Betagi) against which, the defendant No. 1 obtained the Rule.

No one appears on behalf of either party.

On perusal of the records, reveals that the Title Suit No. 81 of 2014 was filed praying for a decree of declaration that the Managing Committee of No. 66 North Bethmore Government Primary School is illegal, collusive, fraudulent and not binding upon the plaintiff which has been approved on 10.02.2014 and at the time of passing the order restraining the defendants, the trial Court also directed the Upazilla Primary Education Officer, Betagi, Barguna to form an Ad-hoc Committee within 15(fifteen) days which has been affirmed by the appellate Court. After approval of the Managing Committee dated 10.02.2014, more than 12(twelve) years elapsed. The petitioner was out of office at the time of passing the order dated 20.01.2015 by the Senior Assistant Judge, Betagi, Barguna.

I do not find any merit in the Rule.

In the result, the Rule is discharged.