

Present:

Mr. Justice Sheikh Abdul Awal

and

Mr. Justice Md. Mansur Alam

In the Matter of:

First Miscellaneous Appeal No. 205 of 1999

M/S Sultan Bai Oil Mills Ltd. represented by
its proprietor Mir Jalal Uddin

.....plaintiff-appellant

-Versus-

Branch Manager, Pubali Bank, Shaheb Bazar
Branch and another

.....Defendant-respondents.

None appears

..... For the appellant.

None appears

..... For the respondents

Judgment on 09.03.2025

Sheikh Abdul Awal, J:

This First Miscellaneous Appeal is directed against the order dated 25.01.1999 passed by the learned Subordinate Judge-2, Rajshahi in Miscellaneous Case No. 42 of 1997 dismissing the miscellaneous case under Order IX, Rule 9 of the Code of Civil Procedure.

No one found present to press the appeal on repeated calls.

In this appeal, record of the case has not been called for.

In view of the fact that this is a petty old appeal arising out of an interlocutory order has been dragging before this Court over a period of 26 years, we are, inclined to take it up for disposal on merit as per materials on records.

On scrutiny of the impugned order, it appears that the case was fixed for pre-emptory hearing on 25.01.1999 but no one found present on behalf of the plaintiff on repeated calls and accordingly the learned the then Subordinate Judge dismissed the suit for default. Moreover, it appears from the order book that this First Miscellaneous Appeal was admitted on 31.01.2000 and thereafter, the plaintiff side did not or could not take any step to get the appeal heard. This type of activities of the plaintiff-appellant shows that plaintiff-appellant has no interest in the matter.

In the facts and circumstances of the case, we are constrained to hold that there is no merit in this appeal.

In the result, the appeal is dismissed without any order as to costs.

Communicate this order at once.

Md. Mansur Alam, J:

I agree.