

Present:
Mr. Justice Sheikh Abdul Awal
and
Mr. S.M. Iftexhar Uddin Mahamud

First Miscellaneous Appeal No. 140 of 2000

In the Matter of:

Begum Roqaiya Hossain and others
.....Defendant -appellants.

-Versus-

Ummul Fateh (Khuku Moni) and others
.....Plaintiff respondents.

No one appears

..... For the defendant –appellants.

No one appears

.....For the plaintiff- respondents.

Judgment on 11.03.2026

Sheikh Abdul Awal, J:

This First Miscellaneous Appeal is directed against the order dated 21.11.1999 passed in Title Suit No. 85 of 1999 by the then subordinate judge, 3rd Court, Dhaka granting status-quo between the parties as to transfer of the suit property.

The facts relevant for the purpose of disposal of this appeal are that the respondents as plaintiffs filed Title Suit No. 85 of 1999 impleading the defendants for partition in the suit land as described in the schedule of the plaint. After institution of the suit the plaintiff filed an application under Order 39, Rule 1 and 2 read with section 151 of the Code of Civil Procedure for

temporary injunction restraining the defendants from transferring the suit property.

The defendants resisted the said application stating, inter-alia, that the plaintiffs' suit is barred by limitation, plaintiffs have/had no right title and possession in the suit land, plaintiffs in order to grab the suit land filed this case on false averments.

The learned sub-ordinate Judge, 3rd Court, Dhaka after hearing the parties by the impugned order dated 21.11.1999 directed the parties to maintain status-quo as to transfer as well as change the nature and character of the suit land.

No one appears to press the Appeal on repeated calls.

In view of the fact that this petty old First Miscellaneous Appeal of 2000 arising out of an ad interim order, we are inclined to dispose of it on merit perusing the available materials on record.

Mr. Manowarul Islam, the learned Assistant Attorney General at the very outset referring information slip of the record room of trial Court submits that the Title Suit No. 85 of 1999 has already been disposed of and the case record has already been sent to the record room, vide serial No. 18 and as such, the present appeal has lost its force and become in-fructuous.

In view of the above, we are constrained to hold that the instant appeal lost its force inasmuch as the original suit being Title suit No. 85 of 1999 has already been disposed of in the Court bellow.

In the result, this First Miscellaneous appeal is dismissed as being in-fructuous without any order as to costs.

Since the appeal is dismissed, the connected Rule being Civil Rule No. 801(FM) of 1999 is discharged as being in-furctuous.

Communicate this order at once.

S.M. Iftekhar Uddin Mahamud, J:

I agree.