

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

Present:

Mr. Justice Md. Badruzzaman.

And

Mr. Justice Sashanka Shekhar Sarkar

CIVIL REVISION No. 2883 OF 2014.

**Shawon Chowdhury alias Shangkor Prasad
Sarker and others**

...Petitioners.

-Versus-

Faridul Alam and another.

....Opposite parties.

None appears

... For the petitioners.

Mr. Shaikh Azmol Hayat, Advocate

... For the opposite parties.

Heard and Judgment on: 12.03.2024.

Md. Badruzzaman, J:

This Rule was issued calling upon the opposite parties to show cause as to why order dated 30.06.2014 passed by learned Joint District Judge, Khagrachari Hill District in Title Suit No. 44 of 2014 rejecting an application for staying further proceedings of Title Suit No. 44 of 2014 should not be set aside.

At the time of issuance of Rule this Court vide order dated 24.07.2014 stayed further proceedings of aforesaid suit for a period of 4 (four) months which was, subsequently, extended till disposal of the Rule.

Facts relevant, for the purpose of disposal of this Rule, are that the opposite parties as plaintiffs instituted Title Suit No. 44 of 2014 before the Court of Joint District Judge, Khagrachari Hill District praying for a decree of declaration of title to and recovery of khas possession of

the suit land as described in the schedule of the plaint. The defendant petitioners entered appearance and then filed an application for staying further proceeding of said suit till disposal of Civil Revision No. 157 of 2014 pending before the High Court Division. The trial Court upon hearing vide impugned order dated 30.06.2014 rejected the application and fixed the next date for submitting written statement.

Challenging said order dated 30.06.2014 the defendant petitioners have come up with this application under section 115(1) of the Code of Civil Procedure and obtained the instant Rule and order of stay.

None appears for the petitioners when the matter is taken up for hearing.

Mr. Shaikh Azmol Hayat, learned Advocate appearing for the plaintiff-opposite parties submits that the Civil Revision No. 157 of 2014 has, in the mean time, disposed of by discharging the Rule by the High Court Division by judgment dated 01.11.2022 and as such, this Rule has become infructuous.

We have heard the learned Advocate for the opposite parties, perused the revisional application, the judgment passed in Civil Revision No. 157 of 2014 dated 01.11.2022, the impugned order and other materials available on record. It appears that the defendants filed the application for staying further proceeding of the suit till disposal of Civil Revision No. 157 of 2014 pending before the High Court Division which was rejected by the trial Court.

On perusal of Annexure-1 of the application for vacating the order of stay filed by the opposite parties it appears that Civil Revision No. 157 of 2014 has disposed of by discharging the Rule by another

Bench of this Court vide judgment dated 01.11.2022. Since the civil revision has, in the mean time, disposed of this Rule has no force at all.

Accordingly, the Rule is discharged as being infructuous however, without any order as to costs.

The order of stay granted earlier is hereby vacated.,

The trial Court is directed to proceed with the suit in accordance with law.

(Justice Md. Badruzzaman)

I agree.

(Mr. Justice Sashanka Shekhar Sarkar)