

21 29.11.21

Ct. No. 04

Akd

F.M.A. 1043 of 2013

**Samad Ali @ Samed Ali & Ors.
Vs.
Sultanpur Alaya Madrasah & Ors.**

**Mr. Sounak Bhattacharya,
Mr. Sounak Mondal.
... for the appellants.**

The instant appeal arises from an order no. 26 dated 27th July, 2012 passed by the learned Civil Judge (Senior Division), Jangipur in Partition Suit No. 101 of 2011, by which an interim injunction passed earlier was vacated and consequently the application for temporary injunction was also dismissed.

The learned Advocate for the appellants submits that amidst the pendency of the instant appeal the suit was proceeded with by the Trial Court and, in fact, has been disposed of.

In view of the fact that the suit itself has been disposed of, the instant appeal has become infructuous.

Accordingly, the appeal is dismissed as infructuous. The connected application, if there be any, is also dismissed.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

