

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Civil Revisional Jurisdiction)

Present:

Mr. Justice S.M. Masud Hossain Dolon

Civil Revision No. 1993 of 2002.

Sree Bijoy Chandra Sutradhar

..... Defendant-Petitioner

-Versus-

Md. Akbar Ali and others.

.... Plaintiff-opposite parties

Mr. Sumandro Kumar Biswas, Advocate.

..... for the petitioner.

None appears for the opposite party

Heard on 07.07.2024 &

Judgment on: 08.07.2024.

This Rule has been issued calling upon the opposite parties No.1 and 2 to show cause as to why the Judgment and order dated 29.10.2001 passed by the learned District Judge, Gaibandha in Miscellaneous Appeal No.32 of 2001 affirming the Judgment and order dated 02.07.2001 passed by the learned Joint District Judge, First Court, Gaibandha in Other Class Suit No. 10 of 2001 should not be set aside and/or pass such other or further order or orders as to this court may seem fit and proper.

Short facts for disposal of this Rule, are that the opposite party Nos. 1 and 2 filed other Class Suit No. 10 of 2001 before the learned Joint District Judge, First Court, Gaibandha against the petitioner for partition suit. During the pendency of the suit plaintiff filed an application under Order 39 Rule 1 and 2 read with section 151 of the Code of Civil Procedure prayed for temporary injunction against the defendant Nos. 5-6 till disposal of the suit.

The learned Joint District Judge, First Court, Gaibandha after scrutinizing relevant papers lying with record submitted by the parties in support of their respective claims allowed the application for temporary injunction. Against this order plaintiff filed Miscellaneous Appeal No. 32 of 2001 before the learned District Judge, Gaibandha who rejected the appeal and affirmed the order passed by the learned Joint District Judge, First Court, Gaibandha challenging that order the petitioner filed the instant Revisional application and obtained Rule.

Mr. Sumandro Kumar Biswas, learned Advocate for the petitioner submits this revision may be disposed of by giving a direction to the both sides for maintaining status quo till disposal of the original suit.

In view of the above situation, I find substance in the submission of the learned Advocate for the petitioner. I think that ends of justice would be sufficiently met if I dispose of this civil revision giving both the parties a direction to maintain status quo in respect of the possession and position of the suit land till disposal of the original suit.

In the result, the Rule is disposed of without any order as to cost. Both the parties are directed to maintain status quo till disposal of the suit in respect of the possession and position of the land in the suit. The learned Trial Court is directed to dispose of the Other Class Suit No. 10 of 2001 as early as possible preferable within 6(six) months from the date of receipt of the copy of this judgment.

Send a copy of this judgment to the court concerned at once for information and necessary steps.