

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

Present:

Mr. Justice Rezaul Karim

Civil Revision No. 5257 of 2007

Shafiul Islam

..... Defendant-appellant-petitioner

-Versus-

Sree Provat Chandra Barman and others

..... Plaintiff-respondent-opposite parties

No one appears for both sides.

Heard on: 21.06.2026

Judgment on: 23.06.2026

In the instant civil revisional application filed under Section 115(1) of the Code of Civil Procedure, this Court on 04.11.2007 issued a Rule calling upon the opposite party No. 1 to show cause as to why the judgment and order dated 17.05.2007 passed by the learned Additional District Judge, Thakurgaon in Miscellaneous Appeal No. 04 of 2005 dismissing the appeal and thereby affirming the judgment and order dated 04.11.2004 passed by the learned Senior Assistant Judge (In charge), Thakurgaon in Other Suit No. 10 of 2004 allowing the application should not be set aside.

At the time of issuance of the Rule, this Court passed an interim order of status quo in respect of possession and position of the suit land till disposal of the Rule.

None of the parties has entered appearance in the Rule.

The opposite party as plaintiff filed Other Suit No. 10 of 2004 in the Court of Senior Assistant Judge, Sadar, Thakurgaon against the petitioner for a decree of permanent injunction in the following forms:

(ক) বিবাদীগণ যাহাতে নালিশী জমিতে বেআইনীভাবে অনধিকার প্রবেশ করিতে না পারে এবং তথা হইতে বাদীকে বে-দখল করিতে না পারেন তজ্জন্য বিবাদীগণের বিরুদ্ধে চিরস্থায়ী নিষেধাজ্ঞার ডিক্রি দিতে,

In the suit the plaintiff filed an application praying temporary injunction against the defendant till disposal of the suit in the following forms:

অত্র মোকদ্দমা চলাকালীন অবস্থায় যাহাতে বাদীপক্ষ নালিশী নিম্নতফশীল বর্ণিত জমিতে বেআইনীভাবে অনধিকার প্রবেশ করিতে না পারে এবং তথা হইতে বাদীপক্ষকে বেদখল করিতে না পারে বা নালিশী জমির আকৃতি প্রকৃতি পরিবর্তন করিতে না পারে বা তথায় কোন প্রকার গৃহাদী নির্মাণ করিতে না পারে তজ্জন্য তাহাদের বিরুদ্ধে অস্থায়ী ও অন্তর্বর্তীকালীন নিষেধাজ্ঞাদেশ জারী করিবার নিমিত্ত বিহিত আদেশ দানে সুবিচার করিতে মর্জি হয়।

The petitioner as defendant appeared in suit filed written objection against the application for injunction and also amended the written objection by filing an amendment application. They also filed written statement on their behalf.

The trial Court heard the application for temporary injunction and after hearing allowed the same by an order of

temporary injunction restraining the defendant from disturbing the plaintiffs in his peaceful possession of the suit land till disposal of suit by its judgment and order dated 04.11.2004.

Being aggrieved by and dissatisfied with the judgment and order of the trial Court the defendant preferred Miscellaneous Appeal No. 4 of 2005 before the learned District Judge, Thakurgaon which was ultimately heard and disposed of by the Additional District Judge, Thakurgaon on transfer who by judgment and order dated 17.05.2007 dismissing the appeal maintaining order of the trial Court.

This revision arises against the judgment and order of the appellate Court below the petitioner filed the instant revision before this Court. At the time of issuance of the Rule this Court directed both the parties to maintain status quo in respect of the possession and position of the suit land till disposal of Rule.

This is a long pending Rule. None took any step to get the rule heard and the matter has been fixed at the instance of the Court. When the matter is taken up for hearing on repeated calls none appeared for any of the parties, consequently the matter is fixed for delivery of judgment today.

Since 2004 order of temporary injunction as well as order of status quo passed by this Court is continuing. While the suit is being disposed of, no one has appraised.

It is fact that the suit is for a simple decree for permanent injunction where in the trial Court as well as appellate Court below concurrently found and observed that the plaintiff is in possession and a prima facie case exists in favour. Resultantly granted temporary injunction. Apart from this at the time of issuance of rule this Court has taken the fact of concurrent finding of both the Courts below and instead of staying impugned judgment and order of the Courts below only to balance the dispute between the parties directed both the parties to maintain status quo till disposal of the Rule which is still valid for long 22 years.

In this situation this Court thinks that the Rule may be disposed of maintaining the order of status quo passed by this Court directing the trial Court to dispose of the suit within shortest possible time if the suit is still pending. To ensure ends of justice I am inclined to dispose of the Rule with following direction.

The Rule is disposed of. Order of status quo passed by this Court at the time of issuance of the Rule shall be maintained till disposal of the suit.

The trial Court is hereby directed to dispose of the suit within 4(four) months from the date of receipt of this judgment and order without fail if the suit is still pending for disposal.

Accordingly, the Rule is made absolute, however, without any order as to costs.

Communicate the judgment at once.