

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

Present:

Mr. Justice S M Kuddus Zaman

And

Mr. Justice Sayed Jahed Mansur

CIVIL REVISION NO.1852 of 2018.

In the matter of:

An application under section
115(1) of the Code of Civil
Procedure.

And

Jecy Food Products Limited and
others

...Petitioners

-Versus-

Bangladesh Bank and others

...opposite parties

No one appears

...For the petitioners

Mr. K. S. Salah Uddin Ahmed,
Advocate

...For the opposite party No.3

Heard & Judgment on: 06.11.2025.

S M Kuddus Zaman, J

This Rule was issued calling upon the opposite parties to show cause as to why order No.1 dated 15.05.2018 passed by the learned Joint District Judge, Court No.1, Chattogram in Other Class Suit No.160 of 2018 keeping the injunction application with record and fixing a date of hearing of the said injunction application on the fixed date of the case should not be set aside

and/or pass such other or further order or orders as to this Court may seem fit and proper.

Facts in short are that the petitioner as plaintiff instituted above suit for declaration that the accounts maintained by the defendant showing debt of the plaintiff and unauthorized and excessive rate of interest are not binding upon the plaintiff and further declaration that the mortgage deeds executed by the plaintiff to the defendants for above loan was not enforceable and for further declaration that the Credit Information Bureau of the Bangladesh Bank showing the plaintiffs as loan defaulters is illegal, collusive and not binding upon the plaintiffs.

In above suit plaintiff filed a petition on 15.05.2018 under Order 39 Rule 1 of the Code of Civil Procedure for an order of ad-interim and temporary injunction restraining the defendants from publication of the name of the plaintiffs in the Credit Information Bureau (CIB) report as a loan defaulter. Above petition for injunction was filed after the learned Judge left the court room and above petition was fixed for hearing on the next fixed date of above suit.

Being aggrieved by above order of the learned Joint District Judge above as plaintiffs as petitioners moved to this court with this civil revisional application under section 115(1) of the Code of Civil Procedure and obtained this rule.

No one appears on behalf of the petitioner when this rule was taken up for hearing although the rule appeared in the list for hearing on several dates.

Mr. K. S. Salah Uddin Ahmed learned Advocate for the opposite party No.3 submits that above suit of the plaintiff as well as the instant petition for injunction under Order 39 Rule 1 of the Code of Civil Procedure are barred by Article No.41 of the Bangladesh Bank Order 1972.

We have considered the submissions of the learned Advocate for the opposite party and carefully examined all materials on record.

It turns from the impugned order that petitioners as petitioners submitted a petition for injunction under Order 39 Rule 1 of the Code of Civil Procedure in above suit against the defendant but the learned Joint District Judge could not hear above petition nor pass an order

on the same. Above petition was filed after the court hours. The learned Joint District Judge rightly fixed above petition for injunction for hearing on the next date of above suit. But the plaintiffs without giving the trial court an opportunity to consider their petition and pass an order on above petition most illegally moved to this court challenging above order of fixing of their petition for injunction for hearing on the next date. Since the plaintiffs filed above petition for injunction in the court below after the expiry of the court time the learned Joint District Judge did not commit any illegality in fixing above petition for hearing on the next date of the suit. Since the learned Joint District Judge did not pass any order on above petition for injunction of the there is nothing for this court to revise. This civil revision is utterly misconceived and the learned Advocate for the opposite party has rightly pointed out that above suit and the petition for injunction under Order 39 Rule 1 of the Code of Civil Procedure are barred by Article 41 of the Bangladesh Bank Order 1972.

In above view of the materials on record we are unable to find any substance in this civil revisional application and the rule issued in this connection is liable to be discharged.

In the result, the rule is discharged.

Let a copy of this judgment be transmitted down to the Court concerned at once.

Sayed Jahed Mansur, J

I agree