

Bench:

Mr. Justice Bhishmadev Chakrabortty

And

Mr. Justice Murad-A-Mowla Sohel

Civil Revision No.4737 of 2010

Ashutosh Chakrabarti alias Bandhan and others

..... petitioners

-Versus-

Bashir Miah and others

..... opposite parties

Mr. Chanchal Kumar Biswas with Mr. Sougata
Guha, Advocates

..... for the petitioners

No one appears for the opposite parties.

Judgment on 01.12.2025

Bhishmadev Chakrabortty, J:

This Rule at the instance of the plaintiffs was issued calling upon opposite parties 1, 3-43, 46-60, 63-85, 87-91, 93-96, 99-103 and 105-109 to show cause as to why order dated 03.06.2010 rejecting the petitioners' application for ad interim injunction filed under section 151 of the Code of Civil Procedure (the Code) and order dated 20.07.2010 staying all further proceedings of the suit under section 10 of the Code passed by the Joint District Judge, Court 2, Habiganj in Title Suit 07 of 2010 shall not be set aside and/or such other or further order or orders passed to this Court may seem fit and proper.

At the time of issuing this Rule, the parties were directed to maintain *status quo* in respect of possession of the suit land for a limited period which was subsequently extended till disposal of the Rule.

Mr. Chanchal Kumar Biswas, learned Advocate for the petitioners taking us through the materials on record submits that the petitioners as plaintiffs instituted the suit for declaration of title and recovery of possession with some other prayers. In the suit they filed an application under section 151 of the Code for interim injunction restraining the defendants from erecting any new houses in the suit premises. On the other hand, the defendants filed an application for staying the proceedings of the the suit subject to the disposals of Title Appeal 01 of 2000 and Title Appeal 47 of 2000 pending then in the Court of Joint District Judge, Court 2, Habiganj. The Joint District Judge by the first order under challenge dated 03.06.2010 rejected the application for *interim* injunction and by the subsequent order dated 20.07.2010 stayed all further proceedings of the tile suit subject to disposal of the aforesaid Title Appeal 01 of 2000 and Title Appeal 47 of 2000. The order of *status quo* passed by this Court is still in force but the proceeding of the suit was stayed by the subsequent order. He then refers to the order passed a single bench of this Division on 10.08.2025 in Civil Revision 1780 of 2000 and submits that the aforesaid 2 appeals for which the proceedings of the suit was stayed have already been disposed of by the lower appellate Court on 24.02.2020 and the Rule issued against those has been discharged for default by this Division. Therefore, the order passed so far it relates to staying all further proceedings of the instant suit has become infructuous. The Rule, therefore, may be disposed of keeping the

order of *status quo* passed by this Court directing the trial Court to dispose of the suit expeditiously.

No one appears for the opposite parties to oppose this Rule.

We have considered the submissions of the learned Advocate for the petitioners, gone through the materials on record and the impugned judgment and orders and the judgment passed in Civil Revision 1780 of 2010.

It transpires that the first part of the Rule was issued as to why order No. 9 dated 03.06.2010 passed by the then Joint District Judge, Court 2, Habigonj in Title Suit 07 of 2010 rejecting the petitioners' application for *ad interim* injunction restraining the defendants from erecting any new houses in the suit premises. This Division at the time of issuing this Rule passed an *interim* order to maintain *status quo* in respect of the possession of the suit land. The said order of *status quo* passed by this Court has been in force for last 15 years. The opposite parties did neither file any application in this Court for vacating the order of *status quo* nor went to the Appellate Division challenging it. Therefore, it appears that they have no necessity to challenge the aforesaid order of *status quo*. Therefore, we find that justice would be best served, if we dispose of the Rule in respect of first part directing the concerned Court to dispose the suit expeditiously keeping the order of *status quo* passed by this Court as it is. In respect of Rule issued in second part in respect of order No.10 dated 20.07.2010 it

appears that by the passage of time, *i.e.*, on the disposal of Title Appeals 01 and 47 of 2000 the aforesaid order passed by the trial Court has virtually become infructuous.

In the aforesaid premises, the Rule is disposed of, so far it relates to order No.9 dated 03.06.2010, *i.e.*, for refusing the *interim* order of injunction and infructuous, so far it relates to order No.10 dated 20.07.2010, *i.e.*, staying all further proceeding of the suit.

However, the concerned Court is directed to dispose of the suit expeditiously, preferably within 06(six) months from the date of receipt of this judgment and order. In the meantime, the order of *status quo* passed by this Court shall operate.

Communicate this judgment and order to the concerned Court.

Murad-A-Mowla Sohel, J.

I agree.