

**In the Supreme Court of Bangladesh
High Court Division
(Civil Revisional Jurisdiction)**

Present:

Mr. Justice Md. Riaz Uddin Khan

Civil Revision No. 3548 of 2010

IN THE MATTER OF :

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

-And-

In the Matter of:

Most. Roksana Parvin Mili and others

.....Defendant-Appellant-Petitioners

Versus

Khondakar Mohammad Shohidulla and another

.....Plaintiff-Respondent-Opposite Parties

None

.... For both the parties

Judgment on 08.02.2024

Md. Riaz Uddin Khan, J:

On 18.08.2010 Rule was issued calling upon the plaintiff-opposite party Nos. 1 and 2 to show cause as to why the judgment and order dated 21.04.2010 passed by the Joint District Judge, 1st Court, Pabna in Miscellaneous Appeal No. 22 of 2007 dismissing the appeal and thereby affirming the order dated 12.04.2007 passed by the learned Assistant Judge, Chatmohar, Pabna in other Class Suit No. 155 of 2004 allowing an application for temporary injunction filed by the plaintiffs.

At the time of the issuance of Rule the records of the Lower Court was called for and parties were directed to maintain status-quo in respect of the possession of the Suit land.

Succinct facts for disposal of the instant Rule are that the plaintiff-opposite parties filed a Suit for permanent injunction in respect of the land

scheduled in the plaint. The plaintiffs also filed an application for temporary injunction against the present defendant-petitioners. Defendant No.1, 9 and 12 contested it by filing written objection and after hearing both the parties the learned Assistant Judge, Chatmohar, Pabna by his impugned order dated 12.04.2007 was pleased to allow the said application for temporary injunction restraining the defendants from entertaining into the "Kha" scheduled land under "Ka" schedule of the plaint and also not to cut the trees or harvest on that land till disposal of the Suit. Against the said order passed by the learned Assistant Judge the present Defendant-petitioners filed Miscellaneous Appeal No. 22 of 2007 before the learned District Judge, Pabna which was ultimately heard by the learned Joint District Judge, 1st Court, Pabna who by his impugned judgment and order dated 21.04.2010 dismissed the appeal and thereby affirmed the order of temporary injunction passed by the learned Assistant Judge.

Being aggrieved by and dissatisfied with the above mentioned judgment and order the present Defendant-petitioners filed the instant Civil Revision and obtained the Rule and order of status-quo as stated at the very outset. Since the Lower Court Records was called for the trial court could not proceed with the trial.

Rule was issued on 18.08.2010 and ad-interim order directing the parties to maintain status-quo in respect of the possession of the Suit Land was passed on that date but till today the parties did not take any step for hearing the Rule. The original Suit was filed in the year of 2004 and in the meantime, almost 20(twenty) years have been passed. By the order of

this Court the parties were directed to maintain status-quo in respect of possession of the Suit Land. In such view of the matter, justice would be best serve if the trial court is directed to conclude the trial expeditiously as practicable keeping in mind that the original suit is of the year of 2004. In the meantime, the parties are directed to maintain the status-quo in respect of the possession of the Suit Land as directed earlier on 18.08.2010 by this Court till disposal of the other Class Suit No. 155 of 2004.

With this observation the **Rule is disposed of.**

Communicate this judgment and order and send down the Lower Court Record at once.