

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

Present:

Mr. Justice Md. Riaz Uddin Khan

Civil Revision No. 2416 of 2018

IN THE MATTER OF:

An application under section 115(1) of the
Code of Civil Procedure, 1908

-And-

In the Matter of:

Md. Ibrahim Nurunnabi Helal and another
... defendant-Petitioners

Versus

Md. Abul Hossain and others
...Plaintiff-Opposite Parties

Mr. Md. Mubarak Hossain, Advocate
... For the petitioners

Mr. Abdul Momen Chowdhury, Advocate
... For the opposite party No.1

Judgment on: 04.08.2026

Md. Riaz Uddin Khan, J-

At the instance of the defendants Rule was issued asking the opposite party No.1 to show cause as to why the judgment and order dated 20.02.2018 passed by the Joint District Judge, 2nd Court, Chattogram dismissing the Miscellaneous Appeal No.109 of 2009 and thereby affirming order No.20 dated 22.04.2009 passed by the Assistant Judge, Fatikchari, Chattogram directing the parties to maintain status-quo in Other Class Suit No.53 of 2008 should not be set aside and/or such other or further order or orders should not be passed as to this Court may deem fit and proper.

At the time of issuance of Rule this Court stayed the operation of impugned judgment and

order passed by the courts below for a period of 06 (six) months which was lastly extended on 16.07.2025 for a period of 01 (one) year.

The opposite party No.1 as plaintiff filed Other Class Suit No.53 of 2008 for permanent injunction against the present petitioners along with the Government of Bangladesh stating *inter alia* that he is the owner of the adjacent land of the suit property and took possession of the suit property by developing it and are in possession for more than 67 years. At one stage of the suit he filed an application for temporary injunction under Order-XXXIX, Rule-1 and 2 of the Code of Civil Procedure. The present petitioners being defendants contested that application for temporary injunction by filing written objection stating that the suit land is Government property and the defendants took lease of that property from the government for 25 years through settlement case No.56 of 64-65. The defendants' further case is that the plaintiff was their caretaker of the suit land.

After hearing both the parties, the trial court passed an order directing both the parties to maintain status-quo in respect of possession of the suit land by order dated 22.04.2009. Against that order the defendant-petitioners filed Miscellaneous Appeal before the District Judge, which was ultimately heard by the Joint District Judge, 2nd Court, Chattogram who after hearing both the parties by impugned judgment and order dated

20.02.2018 dismissed the appeal maintaining the order passed by the trial court.

Being aggrieved by and dissatisfied with the impugned judgment and order passed by the court of appeal below the petitioners filed this civil revision and obtained the Rule and interim order as stated at the very outset.

Mr. Md. Mubarak Hossain, the learned advocate appearing for the petitioners submits that the defendants took lease of the Government property for 25 years and the plaintiff is their caretaker. Both the courts below failed to appreciate that fact of the case. Hence, the order passed by the court below is not maintainable. However, he submits that as the order of courts below was stayed by this Court by order dated 30.07.2018 and for long these 8 years the opposite party did not take any step or make any allegation that the defendants evicted or dispossessed the petitioner from the suit property. In such view of the matter Mr. Hossain submits that this Court may dispose of this rule by maintaining the interim order passed by this Court.

On the other hand, Mr. Abdul Momen Chowdhury, the learned advocate appearing for the opposite party No.1 submits that the plaintiff is in possession of the suit land for more than 67 years, though admittedly the suit land is the Government property. The defendants couldn't produce any document before the court to show that the petitioner possessing the suit land as caretaker or on their permission. Mr. Chowdhury

finally submits that both the courts below found possession in favour of the plaintiff hence, this Court should not interfere with the judgment and order passed by the courts below. However, he concedes that the judgment and order passed by the courts below was stayed by this Court on 13.07.2018 and in these long 8 years the plaintiff did not take any step or make any allegation that the defendants disturbed his possession.

I have heard the submissions of both the parties, perused the application along with the annexures. I have examined the order of the trial court and the judgment and order passed by the court of appeal below as well.

The suit for permanent injunction has been filed by the opposite party no.1 in the year 2008 and still the suit is pending for trial. It appears that both the courts below finding *prima facie* possession of the plaintiff directed the parties to maintain status-quo in the suit land but the order was stayed by this Court on 13.07.2018 and for long 8 years no step was taken from any party. In such view of the matter, in my opinion, justice would be met if the trial court is directed to conclude the trial of the long pending suit expeditiously.

Accordingly the trial is directed to conclude the trial expeditiously as far as practicable without affording the parties any unnecessary adjournments and during the trial the parties are directed to maintain their possession

and position as it was for last 8 years after passing the interim order by this Court.

Consequently, the Rule is **disposed of** with the above observations and directions.

Communicate the judgment and order at once.