

**Present:**  
**Mr. Justice Sheikh Abdul Awal**  
**and**  
**Mr. Justice Md. Rafizul Islam**

First Miscellaneous Appeal No. 245 of 1998

In the Matter of:

Ahmed Shakil Choudhury and another.  
.....Defendant-appellants.

-Versus-

Nosir Ahmed being dead his heirs-  
Hamida Khatun and others

..... Plaintiff- respondents.

No one appears

....For the appellants

No one appears

.....For the respondents.

Mr. Abdul Mannan Abid, the learned Deputy  
Attorney General.

**Judgment on 20.05.2026**

**Sheikh Abdul Awal, J:**

This matter has been referred to this Bench by the Hon'ble Chief Justice as old case for disposal.

This First Miscellaneous Appeal is directed against the order dated 05.08.1998 passed by the learned sub-ordinate Judge 2<sup>nd</sup> Court, Sylhet in Title Suit No. 56 of 1997 directing the parties to maintain status-quo in respect of possession of the suit land.

The short fact of the case is that the appellants as plaintiffs filed Title Suit No. 56 of 1997 in the Court of the then learned

sub-ordinate Judge, 2<sup>nd</sup> Court, Sylhet for declaration of title in the suit land.

Thereafter, while the suit was in progress the plaintiffs filed an application for temporary injunction.

The learned sub-ordinate Judge after hearing the parties by his order dated 05.08.1998 directed the parties to maintain status-quo in respect of possession in the suit land.

Aggrieved thereby the defendant Nos. 1 and 2 as appellants preferred this First Miscellaneous Appeal.

No one appears to press the Appeal on repeated calls.

In view of the fact that this petty old First Miscellaneous Appeal of 1998 arising out of an interlocutory order has been dragging before this Court over a period of 28 years, we are inclined to take it up for disposal on merit perusing the available materials on record.

On scrutiny of the record, it appears that the plaintiffs to strengthen their right, title and possession in the suit land filed Title Suit No. 56 of 1997 for declaration of title in the suit land as described in the schedule of the plaint. Thereafter, the plaintiffs filed an application for injunction under Order 39, Rule 1 and 2. The defendants resisted the said injunction application by filing written objection stating, inter-alia, that the plaintiffs filed the case on false averments, the defendants are in possession in the suit land. The trial Court after hearing the parties and on considering the facts and circumstances of the case by its order dated 05.08.1998 passed an order directing the parties to maintain status-quo in respect of possession of the suit land.

On a query from the Court, the learned Deputy Attorney General Mr. Abdul Mannan Abid could not submit anything as to the exact position of this old suit, whether it is still pending or disposed of.

Considering all these aspects of the case as revealed from the materials on record, we find no reasons to differ with view taken by the trial Court. The learned sub-ordinate Judge considered all the material aspects of the case and justly passed the order of status-quo. No interference, is therefore, called for.

In the result, the First Miscellaneous appeal is dismissed without any order as to costs. Since the suit is an old one of 1997, the trial Court concerned is directed to dispose of the suit expeditiously preferably within 4 (four) months in accordance with law, if any.

The order of stay granted earlier by this Court stands vacated.

Communicate this order at once.

**Md. Rafizul Islam, J:**

I agree.