

Supreme Court of Bangladesh
High Court Division, Dhaka.

V.C. Civil Revision No. 3199(Annex-35) of 2015
Tapan Kumar Biswas Vs. Bibhutosh Biswas and others
(District- Khulna)

Present:

Mr. Justice Md. Mozibur Rahman Miah

24.06.2020

Mr. Tapan Kumar Bepary, Advocate

...For the petitioner-applicant

This is an application for temporary injunction filed by the defendant no.1-petitioner-applicant restraining the plaintiff-opposite-party no. 1 from entering into the suit land and to put-up any structure in the suit land as has been mentioned in the application as of “schedule of the property”.

Mr. Tapan Kumar Bepary, the learned counsel appearing for the petitioner-applicant upon taking me to the application for temporary injunction in particular, paragraph no. 9 thereof submits that, on 18.06.2020, the opposite-party no. 1 accompanied by some local goons entered into the suit properties and accumulate bricks, sands and other construction materials in order to build structure thereon.

The learned counsel further contends that, since this petitioner has been possessing the suit property since he purchased it on 20.03.1983, so the opposite-party no.1 is required to be restrained by an order of injunction so that the peaceful possession of the applicant cannot be hampered.

The learned counsel also contends that, since the suit was filed long after 20 years of alleged knowledge about the deed so the suit is hopelessly barred by limitation.

The learned counsel lastly contends that, since there is a *prima facie* arguable case in favour of this petitioner who has been possessing the schedule property since his purchase by living there as homestead land so this Hon’ble court may pass an order restraining the plaintiff-opposite-party from forcefully entering into the suit properties.

I have considered the submission so advanced by the learned counsel for the petitioner and perused the application for injunction and that of the “schedule of property” so appended therewith.

There has been no gainsaying of facts that, this petitioner purchased .0816 acres of land by a kabla dated 20.03.1983 and till 18.06.2020 no question arose about holding of his

peaceful possession. So in the given circumstances I find *prima facie* and arguable case and that of possession in favour of the petitioner.

Regard being had to the facts and circumstances, I am inclined to allow the application.

Accordingly, the application for temporary injunction is allowed.

The plaintiff-opposite-party no. 1 is thus restrained from entering into the “schedule property” or to make any construction thereon or make any hindrance to the peaceful possession of the petitioner till disposal of the rule.

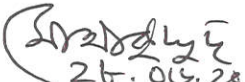
Sd/-

Md. Mozibur Rahman Miah

Copy for kind information & necessary action to:

01. Mr. Tapan Kumar Bepary, Advocate -For the petitioner-applicant.

By order of the Court


26.06.2020

(Md. Abdul Kuddus)

Bench Officer


courtannex35@gmail.com

মোঃ আবদুল কুদ্দুছ

বেঞ্চ অফিসার

বাংলাদেশ সুপ্রীম কোর্ট

হাইকোর্ট বিভাগ, ঢাকা।


26/06/2020
Attested
মোঃ হাফিজা আলী
সহকারী রেজিস্ট্রার (আইন অফিসার)
বাংলাদেশ সুপ্রীম কোর্ট
হাইকোর্ট বিভাগ, ঢাকা।