

Supreme Court of Bangladesh  
High Court Division, Dhaka.

V.C. First Appeal No. 288(Annex-35) of 2013

(F. A. T. No. 616 of 2013)

Kalipada Boiragi and others Vs. Khagen Bairagi and others  
(District- Khulna)

**Present:**

**Mr. Justice Md. Mozibur Rahman Miah**

**23.07.2020**

Mr. Shaikh Forhadul Haque, Advocate

...For the appellants-applicants

This is an application for injunction.

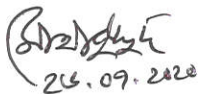
Mr. Shaikh Forhadul Haque, the learned counsel appearing for the appellants-applicants upon taking me to the application as well as the impugned judgment that has been annexed with the memorandum of appeal at the very outset submits that, these appellants have been possessing the suit property and the defendant no. 2 in his testimony as DW-2 also asserted so. Recently, the defendant no. 15- herein opposite-party no. 1 (respondent no. 13 to the appeal) with her husband accompanied by some unruly people in the locality on 19.07.2020 by entering into the suit property threatened to sow Amon paddy in the schedule land and to dispossess the appellants-applicants therefrom.

The learned counsel also contends that, if the respondent no. 13-opposite-party no. 1 is not restrained from entering into the suit land by an order of injunction in that event, the very purpose of preferring this appeal and to dispose of the same would become infructuous. At that, I ask the learned counsel for the appellants-applicants whether copy of this application has been served upon the opposite-party no. 1, the learned counsel then contends that, she still remained unrepresented in the appeal.

I have heard the learned counsel for the appellants-applicants and perused the application and that of the impugned judgment annexed with the memorandum of appeal.

As I find from the judgment that the defendant also admitted the possession of these appellants and they were being threatened of dispossession from the suit property so I find *prima facie* case of the appellants in issuing rule and to pass an interim order in the following term:

Let a rule be issued calling upon the respondent no. 13-opposite-party no. 1 at the risk of the appellants to show cause as to why she should not be restrained by an order of injunction from disturbing the peaceful possession of the

  
23.07.2020

মাঃ আবদুল কুদ্দুস  
বেঞ্চ অফিসার  
গাংলাদেশ সুপ্রীম কোর্ট  
ইকোট বিভাগ, ঢাকা

appellants-applicants in any manner till disposal of the appeal and/or such other or further order or orders passed as to this Court may seem fit and proper.

Subject to the disposal of the Rule, the respondent no. 13-opposite-party no. 1 is hereby restrained from disturbing the peaceful possession of the appellants-applicants in the suit land measuring an area of 66 decimals of land that has been mentioned in the schedule of this application till 7(seven) days following resuming the regular functions of this court.

The rule is made returnable within 4(four) weeks from date.

Requisites to be put in for service of notice of the rule upon the respondent no. 13-opposite-party no. 1 one, in usual course and another by registered post with acknowledgment due (AD) within 7(seven) working days.

Sd/-  
Md. Mozibur Rahman Miah

**Copy for kind information & necessary action to:**

01. Mr. Shaikh Forhadul Haque, Advocate -For the appellants-applicants.

সত্যায়িত  
26 JUL 2020  
Kazi Arafat Uddin  
Assistant Registrar  
(Senior Assistant Judge)  
High Court Division  
Bangladesh Supreme Court, Dhaka.

By order of the Court  
(Md. Abdul Kuddus)  
26.07.2020  
Bench Officer  
[courtannex35@gmail.com](mailto:courtannex35@gmail.com)

মোঃ আবদুল কুদ্দুছ  
বেঞ্চ অফিসার  
বাংলাদেশ সুপ্রীম কোর্ট  
হাইকোর্ট বিভাগ, ঢাকা।