

Present:

Mr. Justice Sheikh Abdul Awal
and

Mr. Justice Md. Rafizul Islam

In the Matter of:

First Miscellaneous Appeal No. 35 of 2007

Kazi Jahanara Islam being died as her heirs
1(a) Md. Habibur Rahman Chowdhury and
others.

....Plaintiff-appellants.

-Versus-

Md. Abul Basher Bhuiyan and another.

.....Defendant-respondents.

Mr. Ali Imam Khaled Rahim, Advocate

..... For the appellants.

Judgment on 13.05.2026.

Sheikh Abdul Awal, J:

This First Miscellaneous Appeal is directed against the impugned order dated 16.11.2006 passed by the learned Joint District Judge and Arbitration Adalat, Dhaka in Title Suit No.82 of 2006 rejecting the application for temporary injunction under Order 39, Rule 1 read with section 151 of the Code of Civil Procedure.

Mr. Ali Imam Khaled Rahim, the learned Advocate appearing for the plaintiff-appellants at the very outset submits that the subject matter of the instant First Miscellaneous Appeal has already been ended and thus, he does not want to press the appeal on merit. However, he submits that since the original suit being Title Suit No.32 of 2005 has been dragging in the court below over a period of 20 years a direction may kindly be given to the trial court below to hear and dispose of the suit within a period of 3 (three) months.

In view of the above, the appeal is dismissed as being not pressed with a direction to the trial court to hear and dispose of the

suit as early as possible preferably within 3(three) months from the date of receipt of this order without giving any adjournment whatsoever.

Since the appeal is dismissed, the connected Rule being Civil Rule No. 849 (F.M) of 2006 is also discharged.

Communicate this order at once.

Md. Rafizul Islam, J:

I agree.