

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(CIVIL REVISIONAL JURISDICTION)

*Present:*

*Mr. Justice S M Kuddus Zaman*

*And*

*Mr. Justice Tamanna Rahman Khalidi*

**CIVIL REVISION NO.423 OF 2019**

**In the matter of:**

An application under Section 115(4) of the Code of Civil Procedure.

And

Abdul Aziz

... Petitioner

-Versus-

Ashok Kumar Dhanuka and others

... Opposite parties

None appears

... For the petitioner.

Mr. Md. Saddam Hossain, Advocate

... For the opposite party No.1.

**Heard and Judgment on 20.05.2026.**

**S M Kuddus Zaman, J:**

On an application under Section 115(4) of the Code of Civil Procedure this Rule was issued calling upon the opposite parties to show cause as to why the impugned order No.03 dated 04.02.2019 passed by the learned District Judge, Dhaka in Civil Revision No.04 of 2019 rejecting the prayer for stay of proceedings of Title Suit No.178 of 2018 now pending in the Court of learned Senior Assistant Judge, 2<sup>nd</sup> Court, Dhaka and the prayer for injunction restraining the opposite party from interfering with the exhibit and distribution of the

scheduled 20 movies in all forms of digital media platform by the petitioner Jaaz Multimedia and the proforma opposite party Bongo BD should not be set aside and or such other or further order or orders as to this Court may seem fit and proper..

Facts in short are that opposite party as plaintiff instituted Title Suit No.178 of 2018 in the 2<sup>nd</sup> Court of Senior Assistant Judge, Dhaka for permanent injunction. Defendants entered appearance in above suit and submitted a petition under Order 7 Rule 11 of the Code of Civil Procedure for rejection of plaint and on consideration of submission of the learned Advocate for the respective parties and materials on record the learned Senior Assistant Judge rejected above petition vide judgment and order dated 04.11.2018.

Being aggrieved by and dissatisfied with above judgment and order of the learned Senior Assistant Judge above defendant as petitioner moved to the District Judge, Dhaka with an application under Section 115(1) of the Code of the Civil Procedure and preferred above Civil Revision and sought an order of stay on further proceedings of Title Suit No.178 of 2018 till disposal of above Civil Appeal. The learned District Judge, Dhaka on hearing the learned Advocate for the petitioner admitted the above Civil Revision for

hearing vide impugned order dated 04.02.2019 but did not pass an order of stay against proceedings of Title Suit No.178 of 2018.

Being aggrieved by and dissatisfied with above order of the learned District Judge above petitioner as petitioner moved to this Court with this Civil Revisional application under Section 115(4) of the Code of Civil Procedure and obtained this Rule.

No one appears on behalf of the petitioner at the time of hearing of this Rule although this matter appeared in the list for hearing on several dates.

Mr. Md. Saddam Hossain, learned Advocate for opposite party No.1 concedes that at the time of filing of Civil Revision No.4 of 2019 the petitioner sought an order of stay on further proceedings of Title Suit No.178 of 2018 but the learned District Judge omitted to consider above part of the petition and erroneously failed to pass an order of stay. This Court has at the time of admission of Civil Revision under Section 115(4) of the Code of Civil Procedure passed an order of stay on further proceedings of above Title Suit No.178 of 2018. Above order of stay may be continued and the learned District Judge may be directed to consider above part of the Civil Revisional application as to stay of the proceedings of above suit and then proceed to dispose of above

Civil Revision on merit within a period of three months from the date of receipt of this order.

We have considered the submissions of the learned Advocate for opposite party No.1 and carefully examined all materials on record.

As mentioned above in above suit for permanent injunction the defendant submitted a petition for rejection of plaint under Order 7 Rule 11 of the Code of Civil Procedure which was rejected by the trial Court and against above judgment and order of the trial Court above plaintiff preferred Civil Revision No.4 of 2019 to the District Judge, Dhaka who admitted above Civil Revision but did not pass any order on stay of further proceedings of Title Suit No.117 of 2018. Since the learned District Judge admitted above Civil Revision for hearing the ends of justice demanded that further proceedings of Title Suit No.178 of 2018 be stayed till disposal of above Civil Revision and the learned District Judge take up above Civil Revision for disposal on merit without unnecessary delay.

In above view of the facts and circumstances of the case we hold that the ends of justice will be met if order of stay passed by this Court on further proceedings of Title Suit No.178 of 2018 is extended till disposal of above Civil Revision and the learned District Judge is

directed to dispose up of above Civil Revision on merit within three months from the date of receipt of this order.

Accordingly, further proceedings of Title Suit No.178 of 2018 of the 2<sup>nd</sup> Court of Senior Assistant Judge, Dhaka be stayed till disposal of Civil Revision No.4 of 2019 and the learned District Judge, Dhaka is directed to dispose of above Civil Revision on merit within three months from the date of receipt of this order.

With above directions this Rule is disposed of.

However, there will be no order as to cost.

**Tamanna Rahman Khalidi, J:**

I agree.

MD. MASUDUR RAHMAN  
BENCH OFFICER