

District: Dhaka

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

Present:

Mr. Justice Sardar Md. Rashed Jahangir

Civil Revision No. 2348 of 2006

In the matter of :

Syed Raisuddin Ahmed and others

...Petitioners

-Versus-

Hasan Ali and another

...Opposite-parties

No one appears

Heard and Judgment on: 28.04.2024

The Rule was issued upon granting leave on an application under section 115(4) of the Code of Civil Procedure calling upon the opposite parties to show cause as to why the order dated 11.06.2006 passed in Civil Revision No. 139 of 2006 disallowing the civil revision and thereby affirming the impugned order dated 03.04.2006 passed in Title Suit No. 124 of 2006 by the Senior Assistant Judge, Second Court, Dhaka should not be set-aside and/or pass such other or further order or orders as to this Court may seem fit and proper.

It appears that on an application for temporary injunction in a suit for permanent injunction filed by the present petitioners as

plaintiffs the trial court issued a show cause notice and the plaintiffs then filed Civil Revision No. 139 of 2006 before the learned District Judge. In the said revision the plaintiff made a prayer for temporary injunction and the revisional Court issued a show cause notice upon the respondents on 04.04.2006 and directed both the parties to maintain status quo. The said revision was ultimately rejected against which the plaintiffs as petitioners moved this Court and on 16.07.2006 obtained the present Rule along with an interim order directing both the parties to maintain status-quo in respect of their possession in the suit land.

It further appears that at the time of issuance of the Rule, i.e. on 16.07.2006, the trial Court was directed to dispose of the injunction matter of Title Suit No. 124 of 2006 within 3(three) months.

No one appears either for the petitioners or for the opposite parties to apprise this Court about the outcome of injunction matter of Title Suit No. 124 of 2006 pending before the trial Court.

However, since at the time of issuance of the Rule both the parties were directed to maintain status-quo in respect of their possession in the suit land. Thus, this Court is of the view that if a direction is given upon the trial Court to hear and dispose of the substantive suit, i.e. Title Suit No. 124 of 2006 pending before the Senior Assistant Judge, Second Court, Dhaka within the shortest

possible time, if the same is not disposed of otherwise, then justice would be best served.

Accordingly, the Rule is disposed of and the Senior Assistant Judge, Second Court, Dhaka is hereby directed to hear and dispose of in Title Suit No. 124 of 2006 as early as possible if the same is not disposed of otherwise.

No order as to cost.

Communicate the judgment and order at once.