

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

Civil Revision No. 1799 of 2021

In the matter of:

Md. Komruzzaman Sarder @ Mokruzzaman
Sarder being dead his legal heirs:

(1) Most. Nur Nahar Bibi and others.

...Petitioners.

-Vs-

Present

Mr. Justice Mamnoon Rahman

Md. Abul Khayer Sarder and another.

....Opposite parties.

Mr. Md. Humayun Kabir Manju, Adv.

...For the petitioners.

Mr. Md. Zobaidur Rahman, Adv.

...For the opposite party No. 1.

Heard on: **04.08.2024**

And

Judgment on: **The 16th January, 2025**

In an application under section 115(1) of the Code of Civil Procedure, 1908 rule was issued calling upon the opposite parties to show cause as to why the judgment and order dated 26.08.2021 passed by the learned District Judge, Joypurhat in Misc. Appeal No. 02 of 2021 disallowing the appeal and thereby affirming the judgment and order dated 13.01.2021 passed by the learned Senior Assistant Judge, Kalai, Joypurhat in Other Class Suit No. 126 of 2020 disallowed the application for temporary injunction, should not be set aside and/or pass such other or further order or orders as to this court may seem fit and proper.

I have heard the learned Advocates for the petitioner as well as opposite party No. 1. I have perused the revisional application, ground

taken thereon as well as necessary papers and documents annexed herewith.

On perusal of the same, it transpires that the suit is pending before the trial court since 2020 wherein the petitioner filed an application for temporary injunction. It further transpires that the trial court refused to grant the same resulting which the petitioner moved before the District Judge by way of Miscellaneous Appeal which was also affirmed by the lower appellate court. However, on perusal of the papers and documents as well as order book, it transpires that at the time of issuance of rule this court passed an order of status-quo.

Considering the facts and circumstances, I am of the view that justice would be done if a direction be given upon the trial court to hear and dispose of the suit expeditiously, as possible, within a fixed period. Accordingly, the trial court is directed to hear and dispose of the suit, namely Other Class Suit No. 126 of 2020 strictly on merit by applying its independent and judicial mind within 30th June, 2025 without fail and without giving any adjournment to the parties in any manner.

The trial court is further directed to inform this court about the disposal of the suit as directed, in writing, through the Registrar of the High Court Division within 7(seven) days from the date of disposal of the suit.

Since the order of status-quo is continuing from 2021, I am of the view that the same be continued for the period as directed by this court regarding disposal of the suit.

With this observation and direction, the instant rule is disposed of.

Send down the L.C. Records to the concerned court below with a copy of the judgment, at once.

(Mamnoon Rahman,J:)