

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

Present:

Mr. Justice Zafar Ahmed

Civil Revision No. 1775 of 2021

Advocate Md. Jamal Uddin

...Petitioner

-Versus-

A.F.M. Aminul Islam being dead his legal heirs
Md. Tarikul Islam and others

....Opposite parties

None

....For the petitioner

Mr. Nawroz MR Chowdhury, with
Ms. Nadia Sharmin Rahman,
Mr. S.M. Amjadul Hoque,
Mr. Tahseen Mukter Nishan, Advocates

....For the opposite party No. 1

Heard on: 09.02.2026

Judgment on: 16.02.2026

The petitioner has filed this revisional application under Section 115 of the Code of Civil Procedure (CPC) challenging the order No. 1 dated 19.09.2021 passed by the learned District Judge, Chattogram in Civil Revision No. 132 of 2021 arising out of order dated 07.09.2021 passed by the learned Senior Assistant Judge, Court No. 2, Chattogram in Other Class Suit No. 106 of 2020.

At the time of issuance of the Rule, this Court passed an interim order of injunction restraining the present opposite party Nos. 1 and 2 from interfering with the peaceful possession and position of the

plaintiffs in the suit land. Challenging the interim order, the opposite party No. 1 filed Civil Petition For Leave To Appeal (CPLA) No. 2581 of 2021. The Appellate Division, vide order dated 16.01.2022 stayed operation of the order of injunction till disposal of the Rule and disposed of the CPLA.

None appeared for the petitioner when the Rule was taken up for hearing. Heard the learned Advocate for the opposite party No. 1 and perused the materials on record.

The present petitioner and others as plaintiff filed Other Class Suit No. 224 of 2020 which was subsequently renumbered as 106 of 2020 for declaration of title based on adverse possession and for permanent injunction. During pendency of the suit, the plaintiff on 07.09.2021, which was not a fixed date, filed two applications- one under Order XXXIX rule 7 of the CPC for inspection of the suit property and another under Section 151 of the CPC for temporary injunction before the trial Court. The Court below rejected the application under Order XXXIX rule 7 holding that the prayer for inspection is subject matter of local investigation. In respect of the application for temporary injunction, the trial Court ordered that the same would be heard on the fixed date. Challenging the same, the plaintiff filed civil revision before the learned District Judge, who, vide order No. 1 dated 19.09.2021 (impugned order) registered the civil revision and passed an order for issuance of usual notices. The

plaintiffs filed an application for temporary injunction. The learned District Judge fixed 06.10.2021 for admission hearing of the civil revision and also for hearing the injunction application. Challenging the same, the plaintiff No. 1 has filed the instant revision, obtained the Rule and order of injunction which was vacated by the Appellate Division as mentioned earlier.

I have no doubt that the instant civil revision is premature in that the matter is pending before the learned District Judge, who will decide the civil revision on merit in accordance with law. Accordingly, I find no merit in the Rule.

In the result, the Rule is discharged. The learned District Judge, Chattogram is directed to dispose of the Civil Revision No. 132 of 2021 expeditiously in accordance with law.