Bench:
Mr. Justice Md. Ali Reza

Civil Revision No. 194 of 2021
Golam Rabbani
.....petitioner
-Versus-
Dr. Mamun Shariar and others
.....opposite parties

No one appears for the petitioner

Mr. Md. Mozammel Haque Bhuiya, Advocate
.....for opposite parties

Judgment on: 28.06.2026

In the instant revision Rule was issued calling upon the opposite party 1 to show cause as to why the impugned judgment and order dated 25.08.2020 passed in Civil Revision No. 148 of 2019 by the learned Additional District Judge, 6th Court, Dhaka in Title Suit Number 56 of 2018 now pending in the Court of Senior Assistant Judge, 1st Court, Dhaka should not be set aside and/or such other or further order or orders be passed as to this Court may seem fit and proper.

The opposite parties as plaintiff filed Title Suit Number 56 of 2018 in the Court of the Senior Assistant Judge, 1st Court, Dhaka on 20.02.2018 for permanent injunction in respect of the property mentioned in schedule “Kha” under

schedule “Ka” to the plaint with boundary. In the suit plaintiff filed an application for temporary injunction restraining defendants not to transfer or mortgage the suit property to any other party. The trial Court issued a 10(ten) days’ notice and passed an order to maintain status quo on 20.02.2018 but the defendant did not wait instead he went to the Court of District Judge in Civil Revision Number 148 of 2019 and the same was transferred to the Court of Additional District Judge, 2nd Court, Dhaka. The revision was disallowed by judgment and order dated 25.08.2020 on the finding that the impugned order does not show that any error of law has been committed by the order passed by the trial Court. Feeling aggrieved by the judgment and order passed by the revisional Court the defendant as petitioner comes before this Court with this revision and obtained Rule and order of stay on 13.01.2021.

No one appears on behalf of the petitioner although the matter is in the list.

Learned Advocate Mr. Md. Mozammel Haque Bhuiya appearing on behalf of the opposite parties submits that the revisional Court committed no error of law on an important question of law resulting in an error in such order occasioning failure of justice inasmuch the defendant could wait and

contest the original injunction application but instead of doing so he in view to avoid the order of status quo preferred those revisions which cannot be sustained in accordance with law.

I have heard the learned Advocate for the opposite parties and perused the materials on record.

From perusal of the plaint it appears that the suit property belonged to Abdul Wahed and the plaintiff is one of his sons who maintains possession against co-sharers with specification and he prays that the defendants may be restrained from transferring the suit land to anybody else during pendency of the suit. It appears from the judgment passed by the trial Court that the application for injunction was filed on 20.02.2018 and on that date 10 days' notice was issued against the defendant and an ad interim order of status quo was passed on same date. The order of stay granted earlier by this Court on 13.01.2021 has been operating harshly against the plaintiff and the plaintiff has got *prima facie* arguable case and the balance of convenience and inconvenience is in his favour and in favour of sanctioning status quo by the Court and the plaintiff-opposite parties shall suffer irreparable loss and injury in the event of any unlawful transfer by the defendant in favour of anybody.

Considering this aspect I find no merit in this Rule and the Rule is discharged. The trial Court is directed to dispose of the original injunction application in accordance with law.

The order of stay passed by this Court stands vacated.

Let a copy of this judgment be communicated to the Courts below forthwith and the Lower Courts' Records be sent down at once.

Md. Ali Reza, J:

Naher-B.O