

Bench:

Mr. Justice Bhishmadev Chakrabortty

And

Mr. Justice Md. Ali Reza

First Miscellaneous Appeal No.83 of 2022

with

Civil Rule No.281(FM) of 2022

Ziauddin Adilappellant

-Versus-

Nure Zannath and others

..... respondents

Mr. Abdulla Al Baki, Advocate

..... for the appellant

Mr. Mohammed Ziaul Hoque, Advocate

..... for the respondents

Judgment on 18.10.2023

Bhishmadev Chakrabortty, J:

The defendant has preferred this appeal challenging the judgment and order dated 22.03.2022 passed by the Joint District Judge, 1st Court, Chattogram in Other Class Suit No.35 of 2022 allowing application for temporary injunction in a modified form directing the parties to maintain *status quo* in respect of the land of schedule-2 of the plaint.

At the time of admission of appeal, the appellant filed an application for stay of the impugned order passed by the Joint District Judge. This Court on hearing issued Rule upon opposite parties 1-4 as to why the stay as prayed for shall not be granted and passed interim order staying operation of the impugned order for a period of 03(three) months.

Against the aforesaid order passed by this Division on 17.04.2022 in the aforesaid Civil Rule, the plaintiff opposite parties moved to the Appellate Division. The Appellate Division granted an interim order of *status quo* in Civil Petition for Leave to Appeal No.1224 of 2022 till disposal of the leave petition. Subsequently, the Appellate Division on 09.01.2023 disposed of the Leave Petition and directed this Bench to dispose of the Rule maintaining the order of *status quo* passed by them. The said order of *status quo* is still in force and binding upon the parties.

We have considered the submission of both the sides and gone through the record. It appears that the original Title Suit No.32 of 2022 is for declaration of title and partition which is still pending before the trial Court.

Whether the parties will get title and shaham in the suit land is to be decided by the trial Court in the trial. The order passed by Appellate Division directing the parties to maintain *status quo* is still in force. We find that justice will be best served, if we direct the trial Court to dispose of the suit within specified time and in the meantime the order of *status quo* in respect of possession and position of the property passed by the Appellate Division shall remain in force.

Accordingly, the trial Court is directed to dispose of the suit within 01(one) year from the date of receipt of this order. In the meantime the order of *status quo* passed by the Appellate Division

shall operate. In disposing the suit the trial Court shall not allow any adjournment to the parties unless extreme exigency.

Accordingly, the appeal as well as the Rule are disposed of.

Communicate the order to the concerned Court.

Md. Ali Reza, J:

I agree.