

**In the Supreme Court of Bangladesh
High Court Division
(Civil Revisional Jurisdiction)**

Present:

Mr. Justice Md. Riaz Uddin Khan

Civil Revision No. 650 of 2022

IN THE MATTER OF :

An application under section 115(1) of the Code of
Civil Procedure

-And-

In the Matter of:

Md. Dulal Mestory and others

... Plaintiff-Petitioners

-Versus-

Md. Zakir Hossain and others

...Defendant-Opposite Parties

Mr. Md. Eunus Ali, Advocate

... For the petitioners

Mr. Md. Dider Alam Kollol, Advocate

... For the Opposite Party No. 1

Judgment on: 12.07.2026

Md. Riaz Uddin Khan, J-

At the instance of the plaintiffs Rule was issued asking the opposite party Nos. 1-3 to show cause as to why the judgment and order dated 26.01.2022 passed by the Additional District Judge, Bhola in Miscellaneous Appeal No. 09 of 2019 allowing the appeal and thereby reversing the order dated 31.03.2019 passed by the Senior Assistant Judge, Charfashion, Bhola in Title Suit No.17 of 2018 should not be set aside and/or such other or further order or orders passed as to this Court may deem fit and appropriate.

At the time of issuance of Rule the parties were directed to maintain *status-quo* in respect of possession of the suit land till disposal of the Rule.

Facts in brief for disposal of this Rule in a nutshell is that the petitioners as plaintiffs instituted the Title Suit No.17 of 2018 in the court of Senior Assistant Judge, Charfashion, Bhola impleading opposite party nos.1 to 3 as principal defendant nos.1 to 3 along with other proforma defendants for declaration of title in the Ka schedule land mentioned in the plaint.

At one stage of the suit the plaintiff filed an application for temporary injunction under Order XXXIX Rule 1 and 2 read with section 151 of the Code of Civil Procedure for temporary injunction. Against which the defendants filed written objection and contested the same. After hearing both the parties the Senior Assistant Judge, Charfashion, Bhola allowed the application for temporary injunction and thereby restrained the defendant nos. 1 and 2 from disturbing the petitioners peaceful possession of the suit land by his order dated 31.03.2019. Against that order passed by the trial court the defendants filed Miscellaneous Appeal No.09 of 2019 before the District Judge, Bhola which was ultimately heard by the Additional District Judge, Bhola who after hearing the parties set aside the order passed by the trial court and thereby allowed the appeal by his judgment and order dated 26.01.2022.

Being aggrieved by and dissatisfied with the said judgment and order dated 26.01.2022 passed by the Additional District Judge, Bhola the plaintiffs preferred the instant civil revision and obtained Rule and interim order as stated at the very outset.

Mr. Md. Eunus Ali, the learned advocate appearing for the plaintiff-petitioners submits that

both the parties claimed possession in the suit land but actually the petitioners are in possession in the suit land and the trial court rightly found in favour of the petitioners who allowed the application for temporary injunction but the appellate court without considering that aspect of the case allowed the appeal and thereby vacated the order of injunction. The learned advocate submits that since this court by order dated 07.03.2022 directed the parties to maintain status-quo in respect of the possession of the suit land the instant Rule may be disposed of continuing the interim order.

On the other hand Mr. Dider Alam Kollol, the learned advocate appearing for the opposite party No.1 submits that he has no objection if this Rule is disposed of maintaining the interim order passed by the this Court. However, he submits that the contesting defendants are in possession in the suit land.

I have heard the learned advocate for both the parties, perused the application along with annexures. It appears that this Court by order dated 07.02.2022 directed the parties to maintain status-quo in respect of the possession of the suit land and meanwhile more than 04(four) years have passed and there is no allegation by any party regarding the disturbance of the respective possession of the parties. In that view of the matter, in my opinion, justice will be met if this Rule is disposed of maintaining the interim order passed by this Court.

Accordingly the parties are directed to maintain status-quo in respect of the possession of the

suit land till disposal of the suit and the Rule is **disposed of.**

The trial court is directed to conclude the trial of the suit as early as practicable without giving adjournments to the parties unless in dire necessity.

Communicate the judgment and order at once.