

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

**Present:**

**Mr. Justice Md. Badruzzaman.**

**And**

**Mr. Justice Sashanka Shekhar Sarkar**

**FIRST MISC. APPEAL No. 64 OF 2020**

**WITH**

**CIVIL RULE NO. 862 (F.M) of 2019.**

Md. Muhammad Moniruzzaman Khan and others.  
...Appellants.

-Versus-

Mosammat Saleha Begum and others.  
....Respondents.

Mr. Md. Harun-Or-Rashid, Advocate  
... For the appellants.

Mr. Taposh Kumar Dutta, Advocate  
... For respondent No.1

**Heard on: 29.04.2024.**

**Judgment on: 19.05.2024.**

**Md. Badruzzaman, J**

This appeal is directed against an order dated 25.11.2019 passed by learned Joint District Judge, 2<sup>nd</sup> Court, Dhaka in Title Suit No. 672 of 2019 rejecting an application for temporary injunction filed by the plaintiff appellants.

After admission of appeal this Court vide order dated 08.12.2019 issued Rule and directed the parties to maintain *status quo* in respect of possession of the suit property for a period of 6 (six) months and the Rule was registered as Civil Rule No. 862 (F.M) of 2019. The period of *status quo*, thereafter, was extended time to time.

Facts, relevant for the purpose of disposal of the appeal and Rule, are that the appellants as plaintiffs instituted Title Suit No. 672 of 2019 in the Court of 2nd Joint District Judge, Dhaka, praying for a decree of declaration of title to .0350 acre land and other two declarations.

During pendency of the suit the plaintiffs filed an application for temporary injunction under Order XXXIX rules 1 and 2 praying for restraining defendant No. 1 from dispossessing the plaintiffs from the suit land or making any construction in the suit land. The trial Court after hearing issued show cause notice and thereafter, upon an application filed under section 151 of the Code of Civil Procedure trial Court vide order dated 31.10.2019 directed the parties to maintain *status quo* till filing of written objection by the defendants. The defendant then filed written objection and accordingly, the trial Court vacated the order of *status quo* by order dated 13.11.2019 and thereafter, took the injunction matter for hearing and after hearing vide impugned order dated 25.11.2019 rejected the application.

Being aggrieved by said order dated 25.11.2019 the plaintiffs have come up with this appeal and obtained order of *status quo*, as stated above.

Respondent-opposite party No. 1 has entered appearance by filing Vokatnama to contest the Rule and appeal.

Mr. Md. Harun-Or-Rashid, learned Advocate appearing for the appellants submits that in the meantime, the original suit has proceeded and the P.W.1 was examined and the trial Court fixed the next date for cross-examination of P.W.1 and as such, if the order of *status quo* is continued till disposal of the suit, justice would be served for both the parties.

Mr. Taposh Kumar Dutta, on the other hand, appearing for respondent No. 1 though opposes the Rule and appeal but frankly concedes that without going into the merit of the case, there will be no harm for either of the parties if the *status quo* is maintained till disposal of the suit.

We have heard the learned Advocates, perused the impugned order, the application for injunction and the written objection, the plaint of the title suit and other materials available on record. It appears that at the time of admission of the appeal this Court vide order dated 08.12.2019 directed the parties to maintain *status quo* in respect of possession of the suit property for a period of 6 (six) months and the order of *status quo* is still subsisting. The defendant-respondent did not challenge the order of *status quo* before the Appellate Division.

We are of the view that justice would be met, if the period of *status quo* is continued till disposal of the suit.

Accordingly, the parties are directed to maintain *status quo* in respect of possession of the suit property till disposal of the suit.

The trial Court is directed to proceed with the suit and conclude the trial in accordance with law.

With the above observation and direction this appeal and Rule are disposed of.

Communicate a copy of this judgment to the Court below at once.

**(Justice Md. Badruzzaman)**

**I agree.**

**(Mr. Justice Sashanka Shekhar Sarkar)**