

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

**Present:**

Mr. Justice Md. Khairul Alam

**Civil Revision No. 692 of 2022**

Rezaul Karim and others.

..... -Petitioners.

-Versus-

Md. Harun ur Rashid and another.

..... -Opposite parties.

Mr. Md. Tasirul Islam, Advocate

..... For the petitioners.

Mr. Syed Mohammad Javed Parvez, Advocate

..... For the opposite parties.

Heard on: 02.07.2025, 10.07.2025 and

**Judgment on: 17.07.2025.**

This Rule was issued calling upon the opposite parties to show cause as to why the judgment and order dated 16.01.2022 passed by the learned District Judge, Dhaka in Miscellaneous Appeal No. 122 of 2021 dismissing the appeal and upholding the order of status quo dated 01.09.2021 passed by the Senior Assistant Judge, 1<sup>st</sup> Court, Dhaka in Title Suit No. 319 of 2021 allowing the application for temporary injunction filed by the plaintiffs under Order XXXIX rule 1 of the Code of Civil Procedure 1908 should not be set aside and/or pass such other or further order or orders as to this court may seem fit and proper.

Relevant facts for disposal of the Rule are that the present opposite parties as plaintiffs filed Title Suit No. 29 of 2021 in the Court of Assistant Judge, Savar, Dhaka impleading the present petitioners as defendants praying for permanent injunction over the suit property as described in the schedule to the plaint pleading, inter alia, that the plaintiffs were the owner and possessor of the suit property by purchase, but on 02.02.2021 the defendants tried to dispose the

plaintiffs from the suit property. The suit was subsequently transferred to the Court of Assistant Judge, 1<sup>st</sup> Court, Dhaka and was renumbered as Title Suit No. 319 of 2021. In the said suit, the plaintiffs filed an application under Order XXXIX rule 1 of the Code of Civil Procedure praying for a temporary injunction restraining the defendants from entering the suit land or disturbing the peaceful possession of the plaintiffs or transferring the suit land to anyone else. The defendants contested the said application by filing a written objection denying the material allegations made in the application contending inter alia that the purchased land of the plaintiff and the land described in the schedule to the plaint are not identical. The learned Assistant Judge, 1<sup>st</sup>. Court, Dhaka after hearing the parties by the order dated 07.03.2022 allowed the same in a modified form directing the parties to maintain the status quo. Challenging the said order the defendants preferred Miscellaneous Appeal No. 122 of 2021 before the Court of District Judge, Dhaka. The learned District Judge, Dhaka after hearing the parties by the judgment and order dated 16.01.2022 dismissed the same and thereby affirmed the order of status quo passed by the trial court.

Being aggrieved thereby the petitioners filed this civil revision and obtained the Rule and an order of stay of the impugned order.

Heard the learned Advocates for the contending parties, perused the revisional application and other materials on record.

It appears that the present petitioners as plaintiffs filed a suit for a permanent injunction. In the said suit, the plaintiffs filed an application for a temporary injunction. The trial judge allowed the application in a modified form directing the parties to maintain status quo and on appeal, the said order was affirmed. Challenging the said order defendants

preferred this revisional application and obtained the Rule and an order of stay of the impugned order.

At the time of hearing of the Rule, both parties claimed their title and possession to the suit property, but neither of them expressed any apprehension of imminent dispossession from the suit property.

On the inquiry of the Court, the learned Advocates informed that due to the pendency of this Rule, the original suit is not proceeding properly.

In the above facts and circumstances of the case, it appears to this Court that justice would be best served without entering into the merit of the suit if the Rule is disposed of with a direction.

Accordingly, the Rule is disposed of without any order as to cost.

The order of stay passed at the time of issuance of the Rule is hereby recalled and vacated.

The learned Assistant Judge, 1<sup>st</sup> Court, Dhaka is hereby directed to dispose of Title Suit No. 319 of 2021 as early as possible preferably within 01 (one) year from the date of receipt of this judgment and order and the parties are directed to maintain status quo in respect of possession of the suit land till disposal of the suit.

Let a copy of the judgment and order be communicated at once.

Kashem, B.O