

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

Civil Revision No. 4524 of 2022

In the matter of:

M.A. Malek

...Petitioner.

-Vs-

Md. Masudur Rahman and others.

....Opposite parties.

Present
Mr. Justice Mamnoon Rahman

Mr. Md. Oziullah, Adv. with
Mr. Azimuddin Patwary, Adv.

...For the petitioner.

Mr. Sarwar Hasan Faruque, Adv. with
Mr. Golam Rabbani, Adv.

...For the opposite party Nos. 1-4.

Heard on: **06.12.2023**

And

Judgment on: **The 7th December, 2023**

In an application under section 115(1) of the Code of Civil Procedure, 1908 rule was issued calling upon the opposite party Nos. 1-4 to show cause as to why the judgment and order dated 21.04.2022 passed by the learned District Judge, Dhaka in Miscellaneous Appeal No. 72 of 2022 dismissing the appeal and thereby affirming the judgment and order dated 08.02.2022 passed by the learned Senior Assistant Judge, 2nd Court, Dhaka in Title Suit No. 131 of 2020 should not be set aside and/or such other or further order or orders passed as to this Court may seem fit and proper.

I have heard the learned Advocates for the petitioner as well as opposite party Nos. 1-4. I have perused the revisional application,

ground taken thereon as well as necessary papers and documents annexed herewith.

On perusal of the same, it transpires that the suit is pending before the court below since 2020. In such circumstances, I am of the view that justice would be done if a direction be given upon the court below to hear and dispose of the suit expeditiously, as possible, within a fixed period. Accordingly, the court below is directed to hear and dispose of the suit, namely Title Suit No. 131 of 2020 strictly on merit by applying its independent and judicial mind within 3(three) months from the date of receipt of the instant order without fail and without giving any adjournment to the parties in any manner. However, the parties are directed to maintain status-quo in respect of position and possession of the suit property till disposal of the suit by the court below as directed.

The court below is further directed to inform this court about the disposal of the suit as directed, in writing, through the Registrar of the High Court Division within 7(seven) days from the date of disposal of the suit.

With this observation and direction, the instant rule is disposed of.

The office is directed to communicate the order to the concerned court below with a copy of the judgment, at once.

(Mamnoon Rahman,J:)