

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Civil Revisional Jurisdiction)

Present:

Mr. Justice S.M. Masud Hossain Dolon

Civil Revision No. 2959 of 2022.

Sujauddin Munshi and others

..... Defendant-Petitioners

-Versus-

Abdul Malek Khan and others.

.... Plaintiff-opposite parties

Mr. Anabilananda Roy, Advocate.

..... for the petitioners.

Mr. Md. Wahiduzzaman Sohel, with

Mr. Md. Tariqul Islam, Advocate.

..... For the opposite party No. 1.

Heard & Judgment on: 14.05.2024.

This Rule, on an application under section 115(1) of the Code of Civil Procedure at the instance of the Defendant-petitioners was issued calling upon the opposite parties to show cause as to why the judgment and order dated 08.06.2022, passed by the learned Additional District Judge, Patuakhali in Miscellaneous Appeal No. 50 of 2010 allowing the appeal and thereby reversing the order dated 06.10.2010 passed by the learned Assistant Judge (In Charge), Kolapara, Patuakhali in Title Suit No. 92 of 2010 rejecting the application under order 39, Rule 1 read with section 151 of the Code

of Civil Procedure should not be set-aside and/or pass such other or further order or orders as to this court may seem fit and proper.

Short facts for disposal of this Rule, are that the opposite party No. 1 as plaintiffs filed Title Suit No. 92 of 2010 before the learned Assistant Judge, Kolapara, Patuakhali with a prayer for permanent injunction. During the pendency of the suit plaintiff filed an application under Order 39 Rule 1 read with section 151 of the Code of Civil Procedure prayed for temporary injunction till disposal of the suit.

The learned trial Court after scrutinizing relevant papers lying with record submitted by the parties in support of their respective claims rejected the application for temporary injunction. Against this order plaintiff filed Miscellaneous Appeal No. 50 of 2020 before the learned District Judge, Patuakhlai who allowed the appeal and thereby reversed the order passed by the learned Assistant Judge, Kolapara, Patuakhali against which the petitioner defendants filed the instant Revisional application and obtained Rule.

Mr. Anabilananda Roy, and Mr. Md. Wahiduzzaman Sohel, learned Advocates for both the sides submitted at the time of hearing that the Rule issued in this revision may be disposed of by

giving a direction to the both sides for maintaining status quo till disposal of the original suit.

In view of the above situation, I find substance in the submission of the learned Advocates for both the sides. I think that ends of justice would be sufficiently met if I dispose of this civil revision giving both the parties a direction to maintain status quo in respect of the possession and position of the suit land till disposal of the original suit.

In the result, the Rule is disposed of without any order as to cost. Both the parties are directed to maintain status quo till disposal of the suit in respect of the possession and position of the land in the suit. The learned Trial Court is directed to dispose of the Title Suit No. 92 of 2010 as early as possible in accordance with law.

Send a copy of this judgment to the court concerned at once for information and necessary steps.