

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

Civil Revision No. 4913 of 2022

In the matter of:

Abul Kalam Azad and others.
...Petitioners.

-Vs-

Golap Mondal being dead his legal heirs;
1(a) Rabeya Bewa and others.
....Opposite parties.

Present
Mr. Justice Mamnoon Rahman

Mr. Md. Selim Azad, Adv.
...For the petitioners.
Mr. Kazi Obaidur Rahman, Adv.
...For the opposite party Nos. 1(a)-1(i).

Heard on: *30.05.2024 & 03.06.2024*

And

Judgment on: *The 11th July, 2024*

In an application under section 115(1) of the Code of Civil Procedure, 1908 rule was issued calling upon the opposite party Nos. 1(a)-1(i) to show cause as to why the impugned judgment and order dated 03.08.2022 passed by the learned District Judge, Natore in Misc. Appeal No. 23 of 2022 granting injunction amending the trial court's order restraining the plaintiff-petitioner from disturbing the defendant opposite parties on dismissing the appeal on setting aside the judgment and order dated 10.04.2022 passed by the learned Senior Assistant Judge, Lalpur, Natore in Other Class Suit No. 61 of 2020 allowing the application for appointing the Receiver, should not be set aside and/or pass such other or further order or orders as to this court may seem fit and proper.

I have heard the learned Advocates for the petitioners as well as opposite parties. I have perused the impugned judgment and order passed by both the courts below, revisional application, ground taken thereon as well as necessary papers and documents annexed herewith.

On perusal of the same, it transpires that admittedly a suit for partition is pending before the trial court since 2020. It further transpires that during pendency of the suit the present opposite party-defendant filed an application for appointment of receiver which was allowed by the trial court. However, on miscellaneous appeal the lower appellate court allowed the appeal in part and converted the application for receiver into an application for injunction and directed the parties to maintain status-quo in respect of possession of the suit property.

In such circumstances, I am of the view that justice would be done if a direction be given upon the trial court to hear and dispose of the suit expeditiously, as possible, within a fixed period. Accordingly, the trial court is directed to hear and dispose of the suit, namely Other Class Suit No. 61 of 2020 strictly on merit by applying its independent and judicial mind expeditiously, as possible, not later than 6(six) months from the date of receipt of the instant order without fail and without giving any adjournment to the parties in any manner.

The trial court 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.

The parties are directed to maintain status-quo in respect of possession of the suit property till disposal of the suit by the court below.

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:)