

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. 22 of 2023.**

**With**

**Civil Rule No. 623 (F.M) of 2022.**

**Md. Monir Ahmmed**

...Appellant.

-Versus-

**Anowar Hosain Khan.**

....Respondent.

None appears

... For the appellant

Mr. Indrojit Kumar Moulick, Advocate

... For the respondent

**Heard and Judgment on 09.06.2024**

**Md. Badruzzaman, J:**

This appeal is directed against an order dated 07.09.2022 passed by learned Joint District Judge, 5<sup>th</sup> Court, Dhaka rejecting an application for temporary injunction filed in Title Suit No. 290 of 2021. Upon an application filed by the appellant Rule was issued on 25.10.2022 calling upon the respondent-opposite party to show cause as to why an order of injunction restraining the respondent-opposite party from disturbing the peaceful possession of the petitioner over the suit land should not be granted and at the same time the parties were directed to maintain *status-quo* in respect of possession and position of the suit land. The Rule was registered as Civil Rule No. 623 (F.M) of 2022.

Admittedly, there was registered deed of agreement between the appellant and respondent No.1 and by that deed the appellant

agreed to transfer the property in question in favour of the respondent but thereafter, dispute arose and required sale deed was not executed and registered. The appellant filed the present Title Suit No. 290 of 2021 for a decree of declaration and compensation for non-performance of the obligation of respondent No. 1. On the other hand, respondent No. 1 filed Money Suit No. 10 of 2023 claiming compensation from the appellant.

Admittedly, respondent No. 1 could not get possession of the property agreed to be transferred by the appellant. However, this Court directed the parties to maintain *status-quo* in respect of possession and position of the property on 25.10.2022 and respondent No. 1 neither challenged the order before the Appellate Division nor filed any application for vacating the order of *status-quo*. Since, admittedly, respondent No. 1 could not get possession of the property in question we are of the view that the order of *status-quo* which was granted at the time of issuance of Rule should be maintained till disposal of Title Suit No. 290 of 2021.

In that view of the matter the appeal as well as the Rule are disposed of.

The parties are directed to maintain *status-quo* in respect of possession and position of the property in question till disposal of Title Suit No. 290 of 2021.

The learned Joint District Judge, 5<sup>th</sup> Court, Dhaka is directed to proceed with the suit and conclude the trial expeditiously preferably within 6(six) months from the date of receipt of the copy of this judgment.

However, the parties would be at liberty to take necessary steps to proceed with both the suits (Title suit No 290 of 2021 and Money Suit No. 10 of 2023) analogously or simultaneously, if so advised.

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

**(Justice Md. Badruzzaman)**

**I agree.**

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