

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

First Miscellaneous Appeal No. 133 of 2024

With

Civil Rule No. 64(fm)/2024

In the matter of:

Mohammed Rejaul Kader and others.

...Appellants.

-Vs-

Enayet Ullah.

....Respondent.

None appears.

...For the appellants.

Mr. Samarendra Nath Biswas, Adv.

...For the respondent-opposite party.

Heard on: **06.01.2025**

And

Judgment on: **The 7th January, 2025**

Mamnoon Rahman,J:

Both the appeal as well as rule are heard together as the similar question of fact and law are involved in it as well as the parties are same and now disposed of by a single judgment.

This appeal is directed against the judgment and order dated 13.02.2024 passed by the learned Joint District Judge, 2nd Court, Feni in Title Suit No. 22 of 2023 rejecting the application under Order 39 rule 1 along with section 151 of the Code of Civil Procedure, 1908 for temporary injunction.

I have heard the learned Advocate for the respondent. I have perused the Memorandum of appeal, grounds taken thereon, application for injunction, as well as necessary papers and documents annexed herewith.

On perusal of the same, it transpires that the Title Suit being No. 22 of 2023 pending before the court below and arising out of which the instant appeal was preferred before this court regarding an interim order. It further transpires that at the time of admission of appeal as well as rule this court passed an order of status-quo in respect of possession and position of the suit land.

Considering the facts and 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 date. Accordingly, the court below is directed to hear and dispose of the suit strictly on merit by applying its independent and judicial mind within 30th June, 2025 without fail and without giving any adjournment to the parties. 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.

Since the order of status-quo is continuing from 04.03.2024 I am of the view that the same be continued for the period as directed by this court regarding disposal of the suit.

With this observation and direction, the instant appeal being No. 133 of 2024 as well as the connected Rule being No. 64(fm) of 2024 are 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:)