

Bench:

Mr. Justice Bhishmadev Chakrabortty

And

Mr. Justice Md. Ali Reza

First Misc Appeal No. 201 of 2021

With

Civil Rule No. 14 (fm) of 2021

Md. Tazammul Hossain and others..... appellant

-Versus-

Md. Abdur Rahman alias Brojonath  
Chakravarti and others

..... respondent

Ms. Urmee Rahman, Advocate

..... for the appellant

Mr. AKM Rezaul Karim Khondaker, Advocate

..... for the respondent

Judgment on 14.01.2024

Bhishmadev Chakrabortty, J:

This appeal at the instance of plaintiffs defendants is directed against the Judgment and order of the Joint District Judge, Additional Court, Sylhet passed on 26.11.2020 in Title Suit No. 87 of 2020 rejecting the appellants' application for temporary injunction.

At the time of admission of appeal, the appellants filed an application praying for injunction restraining the defendants from disturbing the plaintiffs' peaceful possession in the suit land and also from evicting them therefrom. Upon which the aforesaid rule was issued and an ad interim order to maintain *status quo* in respect of the

possession and position of the suit land was passed. The said order of *status quo* subsequently has been extended till disposal of the rule.

The appeal and the rule are heard together and disposed of by this judgment.

The suit was for declaration of title in respect of the land as detailed to schedule 1 of the plaint with further declaration that the judgment and decree passed in Partition Suit No. 195 of 2007 in schedule 2 is collusive and not binding upon the plaintiffs. In that suit the defendants filed written statement denying the averments made in the plaint. During pending of the suit the plaintiffs filed an application praying for injunction restraining the defendants from dispossessing them from the suit land and creating any disturbance in the peaceful enjoyment of the same. After hearing, the trial Court rejected the said application by the judgment and order under challenge.

Ms. Urmees Rahman, learned Advocate for the appellants submits that the appellants are in possession in the suit land. The order to maintain *status quo* passed by this Court is in force for last 3 years and as such the justice would be best served, if the appeal and the Rule are disposed of directing the trial Court to dispose of the suit

within a short span of time keeping the order of *status quo* passed by this Court as it is.

Mr. AKM Rezaul Karim Khondaker, learned Advocate for the respondents submits that the appellants have no possession over the land and they have no *prima facie* case to get an order of injunction. The Joint District Judge correctly rejected the application for temporary injunction and as such the appeal would be dismissed and the rule be discharged.

We have heard the learned Advocates for both the sides and gone through the materials on record.

It transpires that at the time the admission of appeal on 17.01.2021, the rule was issued as to why injunction as prayed for shall not be granted and an *interim* order directing the parties maintain *status quo* in respect of possession and position of the suit land was passed which is still in force. The respondents did neither take any step against the said *interim* order passed by this Division by filing an appeal to the appellate division nor filed any application to this Division for vacating the aforesaid order of *status quo*. The said order is in force for last 3 years.

In the premises above, we find that justice will be met, if we direct the trial Court to dispose of the suit within a fixed period keeping the order of *status quo* passed by this Court as it is.

Therefore, the trial Court is directed to dispose of the suit expeditiously preferably within 06 (six) months from the date receipt of this judgment and order. In the meantime the order of *status quo* passed by this Court shall operate. With the above observation and direction this appeal and the rule are disposed of. However, there will be no order as to costs.

Communicate this judgment and order to the concerned Court.

Md. Akhtaruzzaman, J:

I agree.