

**District: Patuakhali**

**In the Supreme Court of Bangladesh**

High Court Division  
(Civil Revisional Jurisdiction)

**Present**

**Mr. Justice Md. Zakir Hossain**

**Civil Revision No. 3960 of 2023**

Abdul Aziz Howlader

.....Plaintiff-Appellant-Petitioner

-Versus-

A. Goni and others

.....Defendant- Respondent-Opposite Parties

None appears

..... For the petitioner

Mr. Md. Zahurul Islam, Advocate

..... For the opposite parties

**Heard on: 06.03.2024**

**Judgment on: 06.05.2024**

At the instance of the petitioner, the Rule was issued by this Court with the following terms:

*“Records of the case need not be called for.*

*Let a Rule be issued calling upon the opposite party No. 1 to show cause as to why the judgment and order dated 01.06.2023 passed by the learned Senior District Judge, Patuakhali in Miscellaneous Appeal No. 14 of 2023 affirming the judgment and order dated 20.02.2023 passed by the learned Assistant Judge, Bauphal, Patuakhali in Title Suit No. 305 of 1983 allowing the application for injunction shall not be set aside and/or such other or further order or orders passed as to this Court may seem fit and proper.”*

Facts leading to the issuance of the Rule are inter alia that in Title Suit No. 305 of 1983, the plaintiff filed an application for temporary injunction. The defendant No. 3 resisted the same by filing a written objection denying the material allegations set out in the plaint. Upon hearing, the learned Assistant Judge, Bauphal, Patuakhali was pleased to allow the petition for temporary injunction in a modified form. Being aggrieved by and highly dissatisfied with the judgment and order of the learned Assistant Judge, the plaintiff preferred Miscellaneous Appeal No. 14 of 2023 before the Court of the learned District Judge, Patuakhali. Upon hearing, the learned District Judge was pleased to dismiss the Miscellaneous Appeal by his judgment and order dated 01.06.2023. Impugning the judgment and order of the learned District Judge, the petitioner moved this Court and obtained the aforesaid Rule and stay therewith.

Heard the submissions advanced by the learned Advocate of the opposite parties at length and perused the materials on record with due care and attention and seriousness as they deserve. The convoluted question of law embroiled in this case has meticulously been waded through.

The concurrent findings of the Courts below are based on sound reasoning. No illegality has been spelt out within the bounds of the judgment and order of the Courts bellow. Hence, the Rule shall fall flat.

It transpires from the record that the original suit started its journey in the year, 1983 but in the meantime, more than 40 years have been elapsed, therefore, the long pending suit is required to be disposed

of with utmost expedition. Accordingly, the learned Assistant Judge, Bauphal, Patuakhali is directed to dispose of the Title Suit No. 305 of 1983 within 06 (six) months from the date of receipt of the copy of this judgment positively. No adjournment petition shall be entertained from either side. The learned Assistant Judge shall direct the Court through Registrar General, Supreme Court of Bangladesh as to whether he has disposed of this long pending suit.

In the result, with the above observation and direction, the Rule is discharged, however, without passing any order as to costs. The earlier order of stay granted by this Court thus stands recalled and vacated.

Let a copy of the judgment be transmitted to the Courts below at once for taking necessary step.

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**Md. Zakir Hossain, J**

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