

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

Present:
Mr. Justice Md. Khairul Alam

Civil Revision No. 4249 of 2023

Md. Mahabubur Rahman Talukder and others.
..... Petitioners.

-Versus-

Md. Oli Ullah (Pannu) and others.
..... Opposite parties.

Mr. S.K. Mahmmd Ali, Advocate
..... For the petitioners.

Mr. Mr. Mahamdul Alam Bhuiyan, Advocate
..... For the opposite parties No. 1 and 2.

Heard on 22.05.2025, 22.05.2025 and

Judgment on: 02.06.2025.

This Rule was issued calling upon the opposite parties to show cause as to why the judgment and order dated 18.05.2023 passed by the learned Special Judge, Patuakhali in Miscellaneous Appeal No. 13 of 2022 allowing the said appeal and thereby reversing the order dated 06.12.2021 passed by the learned Senior Assistant Judge, Kalapara, Patuakhali in Title Suit No 1272 of 2021 allowing the application for temporary injunction filed by the plaintiff under Order XXIX rule 1 of the Code of Civil Procedure 1908 should not be set aside and/or pass such other or further order or orders as to this court may seem fit and proper.

Relevant facts for disposal of the Rule are that the present petitioners as plaintiffs filed Title Suit No. 1272 of 2021 in the Court of Senior Assistant Judge, Kalapara, Patuakhali impleading the present opposite parties as defendants praying for a declaration of title over the suit property as described in the schedule to the plaint. In the said suit,

the plaintiff filed an application under Order XXIX rules 1 of the Code of Civil Procedure praying for a temporary injunction. The defendants contested the said application by filing a written objection denying the material allegations made in the application. The learned Senior Assistant Judge, Kalapara, Patuakhali after hearing the parties by the order dated 06.12.2021 allowed the same. Challenging the said order the defendants preferred Miscellaneous Appeal No. 13 of 2022 before the Court of District Judge, Patuakhali which was transferred to the Court of Special Judge, Patuakhali who by the judgment and order dated 18.05.2023 allowed the appeal and thereby set aside the order of temporary injunction passed by the trial court.

Being aggrieved thereby the petitioners filed this civil revision and obtained the Rule and an order of stay of the impugned order.

Heard the learned Advocates for the contending parties, peruse the revisional application and other materials on record.

It appears that the present petitioners as plaintiffs filed a suit for a declaration of title. In the said suit, the plaintiffs filed an application for a temporary injunction. The trial judge allowed the application and in appeal, the said order was set aside. Challenging the said order the plaintiffs preferred this revisional application and obtained the Rule and an order of stay of the impugned order.

At the time of hearing of the Rule, both parties claimed their respective title and possession to the suit property, but neither of them expressed any apprehension of imminent dispossession from the suit property.

In the above facts and circumstances of the case, it appears to this Court that justice would be best served without entering into the merit of the suit if the Rule is disposed of with a direction.

Accordingly, the Rule is disposed of without any order as to cost.

The learned Senior Assistant Judge, Kalapara, Patuakhali is hereby directed to dispose of Civil Suit No 1272 of 2021 as early as possible preferably within 06 (six) months from the date of receipt of this judgment and order and the parties are directed to maintain status quo in respect of possession of the suit land till disposal of the suit.

Let a copy of the judgment and order be communicated at once.

Kashem, B.O