

**In the Supreme Court of Bangladesh  
High Court Division  
(Civil Revisional Jurisdiction)**

Present:

**Mr. Justice Md. Riaz Uddin Khan**

**Civil Revision No. 2764 of 2018**

**IN THE MATTER OF :**

An application under section 115(1) of the  
Code of Civil Procedure

-And-

In the Matter of:

Mowlana Abdul Khalik and others

.....Petitioners

Versus

Mohammad Anwar Miah and others

.....Opposite parties

None

.... For the parties

**Judgment on: 13.12.2023**

**Md. Riaz Uddin Khan, J:**

Rule was issued calling upon the opposite party Nos. 1 and 2 to show cause as to why the order dated 03.04.2018 passed by the Joint District Judge, 2<sup>nd</sup> Court, Sylhet in Title Suit No. 204 of 2015 rejecting the application for permission to run business after decorating the shops made in the 2<sup>nd</sup> scheduled land filed by the defendant Nos. 3-5 should not be set aside and or such other or further order or orders passed as to this court may deem fit and proper.

No one appears to press or oppose the Rule when the matter was taken up for hearing.

The plaintiff-opposite party Nos. 1 and 2 filed Title Suit No. 204 of 2015 for declaration that the plaintiffs have right title and possession of the land measuring 0.04 **13/100** decimals of 2<sup>nd</sup> schedule under 1<sup>st</sup> schedule of S.A. plot No. 896 used as family

graveyard and for further declaration that the registered deeds regarding the land of the 3<sup>rd</sup> scheduled are invalid, ineffective, collusive, forged and fraudulent and also prayed for perpetual injunction against the defendant Nos. 1-5 restraining them from entering into the 2<sup>nd</sup> schedule land and cannot build any construction thereon which is a graveyard. The defendant Nos. 3-5 who are the present petitioners filed written statement denying all the facts of the plaint.

It appears from this revisional application that during pendency of the suit the plaintiffs filed an application under Order 39 Rule 1 read with Section 151 of the Code of Civil Procedure for temporary injunction restraining the defendant Nos. 1-5 regarding the suit land. The learned trial Court after hearing the parties passed an order directing the parties to maintain status-quo in respect of the possession and position of the suit land by order dated 08.09.2015. It is further stated in this application that being aggrieved by and dissatisfied with the order of status-quo dated 08.09.2015 the defendant-petitioners filed F.M.A. No. 260 of 2016 before this Hon'ble Court and this Court after hearing the parties by judgment and order dated 24.05.2017 disallowed the appeal and directed the learned trial Court to dispose of the suit within 6 (six) months of receipt of the order without adjournment.

Thereafter the defendant Nos. 3-5 filed an application before the trial Court to run their business on the constructed building situated on the disputed land. After hearing both the parties the trial Court rejected the same on the finding that since there is an order of status quo passed by the

High Court Division there is no scope to allow such application.

Being aggrieved by and dissatisfied with this order passed by the Joint District Judge, 2<sup>nd</sup> Court, Sylhet the defendant Nos. 3-5 filed the instant revisional application and obtained the Rule.

Admittedly there is an order of maintaining status-quo regarding the possession and position of the suit land by the High Court Division as such the application filed by the petitioners was rightly rejected by the trial Court and we do not find any illegality committed by the learned Judge of the trial Court. This Court should not pass any order in the similar facts and circumstances of the suit which runs contrary to the earlier order passed by this Court.

In view of the facts and circumstances and the reasons given above, I do not find any merit in this rule for which the instant Rule is liable to be discharged.

In the result, the **Rule is discharged**, however, without any order as to cost.

Communicate the judgment at once and the trial Court is directed to dispose of the suit expeditiously as early as possible since the High Court Division earlier directed the trial Court to dispose of this matter within 6 (six) months, if not already disposed of.