

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

**CIVIL REVISION No. 4359 OF 2023**

**In the matter of:**

Md. Tazul Islam.

...Petitioner.

**Present**

Mr. Justice Mamnoon Rahman

**-Vs-**

Mosammat Johura Khatun  
and others

...Opposite parties.

Ms. Sathika Hossain, Adv.

...For the petitioner.

Mr. S.M. Anamul Haque Adv.

...For the opposite party No. 1.

Mr. AZM. Fariduzzaman, Adv.

...For the opposite party No. 2.

Heard & Judgment on: **The 29<sup>th</sup> January, 2024**

Today is fixed for passing necessary order.

In an application under section 115 of the Code of Civil Procedure, 1908 rule was issued calling upon the opposite party Nos. 1-9 to show cause as to why the impugned Order No. 7 dated 13.07.2023 passed by the learned District Judge, Jhinaidha in Title Appeal No. 90 of 2023 rejecting the application of the petitioner seeking for temporary injunction on the scheduled land under Order 39 rule 1 read with section 151 of the Code of Civil Procedure, should not be set aside and/or pass such other or further order or orders as to this court may seem fit and proper.

We have perused the impugned judgment and order, revisional application and grounds taken thereon, application for vacating the

order of status-quo, supplementary affidavit filed by the opposite party No. 1 as well as necessary papers and documents annexed herewith. We have also heard the learned Advocates for petitioner as well as the opposite parties.

On perusal of the same, it transpires that the plaintiff-petitioner-appellant filed Title Appeal being No. 90 of 2023 in the court of District Judge, Jhenaidha. It further transpires that pending disposal of the appeal the present petitioner pressed an application for injunction under Order 39 rule 1 read with section 151 of the Code of Civil Procedure, 1908 and since the lower appellate court did not pass any order the present petitioner-appellant moved before this court and obtained the instant rule as well as order of status-quo.

The learned Advocates for the opposite party Nos. 1 and 2 submit that they have no objection if the rule is disposed of with a direction upon the lower appellate court to hear and dispose of the appeal within a fixed period.

Considering the facts and circumstances, the lower appellate court is directed to hear and dispose of the appeal being Title Appeal No. 90 of 2023 strictly on merit by applying its independent and judicial mind within 30<sup>th</sup> April, 2024 without fail and without giving any adjournment to the parties.

The trial court is further directed to inform this court about the disposal of the appeal as directed, in writing, through the Registrar of

the High Court Division within 7(seven) days from the date of disposal of the suit.

The interim order passed by this court on 30.08.2023 shall continue till disposal of the appeal by the lower appellate court.

The office is directed to communicate the order to the concerned lower appellate court with a copy of the judgment, at once.

(Mamnoon Rahman,J:)

*Emdad. B.O.*