

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

Civil Revision No. 4134 of 2023

In the matter of:

Md. Saher Ali and others
...Petitioners.

-Vs-

Keramot Kazi and others.
....Opposite parties.

Present

Mr. Justice Mamnoon Rahman

Mr. Md. Arifur Rahman, Adv.
...For the petitioners.

Mr. Abdul Wadud Bhuiya, Adv.
...For the opposite parties.

Heard & Judgment on: **The 17th February, 2025**

In an application under section 115(1) of the Code of Civil Procedure, 1908 rule was issued calling upon the opposite party Nos. 1-16 to show cause as to why the judgment and order dated 15.06.2023 passed by the learned District Judge, Barguna in Miscellaneous Appeal No. 11 of 2023 dismissing the appeal and thereby affirming the order dated 12.02.2023 passed by the learned Assistant Judge, Amtali, Barguna in Title Suit No. 906 of 2021 allowing the application for temporary injunction filed by the plaintiff opposite parties, now pending in the court of Assistant Judge, Amtali, Barguna, should not be set aside and/or pass such other or further order or orders as to this court may seem fit and proper.

I have heard the learned Advocates for the petitioners as well as opposite parties. I have perused the revisional application, grounds

taken thereon as well as necessary papers and documents annexed herewith.

On perusal of the same, it transpires that the petitioners as plaintiffs filed a suit for partition in the trial court impleading the opposite parties as defendants. It further transpires that the opposite parties-defendants obtained an order of injunction in the trial court and the same was affirmed by the lower appellate court. It further transpires that being aggrieved by and dissatisfied with the same, the plaintiffs-petitioners moved before this court and obtained the present rule. At the time of issuance of rule this court directed the parties to maintain status-quo in respect of possession and position of the suit land which is continuing for more than one and half year.

In such circumstances, I am of the view that justice would be done if a direction be given upon the court below to hear and dispose of the suit expeditiously, as possible, within a fixed period. Accordingly, the court below is directed to hear and dispose of the suit, namely Title Suit No. 906 of 2021 strictly on merit by applying its independent and judicial mind within 6(six) months from the date of receipt of the instant judgment without fail and without giving any adjournment to the parties in any manner.

The court below is further directed to inform this court about the disposal of the suit as directed, in writing, through the Registrar of the High Court Division within 7(seven) days from the date of disposal of the suit.

Since the order of status-quo is continuing from 2023 I am of the view that the same be continued for the period as directed by this court regarding disposal of the suit.

With this observation and direction, the instant rule is disposed of.

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

(Mamnoon Rahman,J:)

Emdad.B.O.