

Present:-

Mr. Justice Mahmudul Hoque

Civil Revision No.7311 of 2023

Suvash Chandra Ghose and others

... Petitioners

-Versus-

Sree Sree Radhakrishna Mandir, 193
Khatungonj, Lamabazar, P.S. Kotwali,
Chattogram and another

...Opposite-parties

Ms. Runa Iqbal, Advocate

...For the petitioners

Mr. Hazi Saifuddin Ahmed Chowdhury, Advocate

...For the opposite-parties

Judgment on 22nd October, 2025.

In this application under Section 115(4) of the Code of Civil Procedure, by granting leave to revision to the petitioners, Rule was issued calling upon the opposite party No.1 to show cause as to why the judgment and order dated 02.11.2023 passed by the learned District Judge, Chattogram in Civil Revision No.287 of 2023 allowing the same and thereby reversing the judgment and order No.16 dated 05.10.2023 passed by the learned Senior Assistant Judge, 1st Court, Sadar, Chattogram in Other Suit No.76 of 2023 rejecting an application for inclusion of two points for local investigation shall not be set aside and/or pass such other or further order or orders as to this Court may seem fit and proper.

Facts relevant for disposal of this Rule, in short, are that the petitioners, as plaintiff, filed Other Suit No.76 of 2023 in the court of Senior Assistant Judge, 1st Court, Sadar, Chattogram against the present opposite parties, as defendant, for a decree of permanent injunction. In the suit the plaintiffs filed an application praying for temporary injunction against the defendants. The trial court after hearing issued notice to show cause to the defendants. Subsequently, the plaintiffs prayed for an interim order of injunction pending disposal of the injunction application. The trial court allowed the application and passed an order of status-quo for a limited period which was subsequently, extended from time to time on the prayer of the plaintiffs. The plaintiffs also filed an application for local investigation of the suit property. The trial court allowed the application. Subsequently, defendant Nos.1-3 filed an application on 25.09.2023 praying for adding two points for investigation along with the point suggested by the plaintiffs on 05.10.2023. The trial court fixed a date for hearing application filed by the defendants. On the date fixed the plaintiffs filed an application for extension of order of status-quo and also filed written objection against the application filed by the defendants. After hearing the trial court by its order

dated 05.10.2023 extended the order of status-quo upto next date and rejected the application for inclusion of two points for investigation filed by the defendants, fixing 07.11.2023 for filing commission report by the Advocate Commissioner.

Being aggrieved by and dissatisfied with the judgment and order of the trial court, the defendants filed Civil Revision No.287 of 2023 before the Court of learned District Judge, Chattogram who upon hearing summarily disposed of the same by its order dated 02.11.2023 allowing the application for inclusion of two points for local investigation filed by the defendants before the trial court. At this juncture, the petitioners moved this Court by filing this application under Section 115(4) of the Code seeking leave to revision and obtained the present Rule and order of stay.

When the matter is taken up for hearing and learned Advocate for the opposite parties on legs, suddenly Advocate for the petitioners entered into the Courtroom with angry mood and in a very unbecoming manner submitted that she prays for adjournment on the ground of her senior. The Court allowed the time for 1(one) week, subject to part heard. On hearing she has become so furious

towards the Court and in a very ugly manner told that she will not hear the matter before this Court for the reason best known to her and left the Courtroom uttering few ugly words loudly demeaning the Court. This is a simple matter. While the Court allowed the petitioners time for 1(one) week, learned Advocate should not have reacted in such a manner showing disrespect to the Court.

The Court notes with grave concern that while moving for adjournment, the learned Advocate did not maintain the minimum standard of courtesy, restraint, and respect expected of an officer of the Court. Instead of making a respectful and reasoned prayer, the Advocate adopted an insolent tone and argumentative posture, openly questioning the authority of the Court when the prayer was not granted as a matter of course. Such conduct is wholly unbecoming of a member of the Bar, and strikes at the root of the dignity of Court proceedings. A request for adjournment is never a matter of right, and the Advocate's persistent insistence, coupled with disrespectful utterances and defiant demanour, is indicative of willful disregard for the authority of the Court. This behaviour prima facie amounts to contempt of Court, as it tends to scandalise the Court and interfere with the due administration of justice. The Court

cannot permit such demeanour to go unrecorded, as it undermines the decorum of the Courtroom and the solemnity of judicial proceedings. Therefore, learned Advocate for the petitioners Ms. Runa Iqbal is hereby warned not to repeat the same behaviour in future and in the event of repetition she shall be referred to the Bar Council for cancellation of her Sanad.

Since the learned Advocate for the petitioners not willing to accept the order of the Court, this Court had to recall the order passed and took the matter for hearing and heard the learned Advocate for the opposite parties, have gone through the record and the impugned judgment and order of both the courts below.

The record shows that this is a suit for simple injunction, wherein, the plaintiffs prayed for temporary injunction. The trial court granted ad-interim injunction in the form of status-quo for a limited period. It is the case of the plaintiffs who prayed for local investigation of the suit property which was allowed by the trial court. The defendants also suggested two more points to be added in the investigation for proper appreciation of the matter in dispute. The trial court ought to have allowed the application, but for the reason

not stated well only observing that for adjudication of the matter in dispute the points suggested by the defendants are not at all required which is not supported by any local provisions of law. The opposite parties preferred a revision. The revisional court considered the points and thought it wise and necessary for ends of justice to dispose of the revision summarily, allowing application filed by the defendants, for inclusion of two more points in the local investigation. Section 115(2) of the Code of Civil Procedure provides that the District Judge may on the application of any party if found that the trial court committed any error of law resulting in an error in such order occasioning failure of justice, revise such order as it thinks fit.

I have gone through the judgment and order passed by the revisional court and finds that by allowing revision and the application filed before the trial court by the defendants it has committed no error in the decision occasioning any failure of justice. Where an application for local investigation on some points has been allowed by the plaintiffs before the trial court and some more points suggested by the defendants the trial court should have allowed the application for inclusion of those points for proper adjudication of

the matter in dispute. Accordingly, the learned District Judge in allowing application and revision committed no error of law occasioning failure of justice, rather, the order itself shows that it was done to secure ends of justice.

Therefore, I find that the revisional court committed no illegality in the decision occasioning failure of justice.

Taking into consideration the above, this Court finds no merit in the Rule calling for interference by this Court.

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

Order of *stay* granted at the time of issuance of the Rule stands vacated.

The trial court is hereby directed to proceed with the hearing and dispose of the suit in accordance with law, as early as possible.

Communicate a copy of the judgment to the Court concerned at once.