

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

Present:

Mr. Justice Zafar Ahmed

Civil Revision No. 5132 of 2023

Modinatul Uloom Masna Madrasha Jame Masjid,
represented by its President.

..... Defendant No. 13-appellant-petitioner

-Versus-

Md. Mohsin Morol and others

.... Opposite parties

Mr. S.M. Shakhawat Hossain, Advocate

..... For petitioner

Mr. Ajit Sil, Advocate

.... For opposite party No. 1

Heard and Judgment on: 21.08.2024

In the instant revisional application filed under Section 115(1) of the Code of Civil Procedure at the instance of the defendant No. 13-appellant-petitioner, this Court on 10.10.2023 issued a Rule calling upon the opposite party No. 1 to show cause as to why the judgment and order dated 30.07.2023 passed by the learned Additional District Judge, 6th Court, Jashore in Miscellaneous Appeal No. 24 of 2023 affirming the judgment and order dated 09.04.2023 passed by the learned Senior Assistant Judge, Monirampur, Jashore in Title Suit No. 149 of 2022 should not be set aside.

At the time of issuance of the Rule, this Court passed an interim order directing the parties to maintain status quo in respect of possession and position of the suit land for a period of 6 months which was extended till disposal of the Rule, vide order dated 21.03.2024.

The plaintiff-respondent-opposite party No. 1 has entered appearance in the Rule.

The plaintiff filed Title Suit No. 149 of 2022 in the Court of Senior Assistant Judge, Monirampur, Jashore impleading the present petitioner and others as defendants for declaration of title simpliciter in the suit land. The contesting defendants including the present petitioner have filed written statement in the suit. The suit is now fixed for framing of issues.

After filing the suit, the plaintiff also filed an application for temporary injunction praying for restraining the defendant No. 13 (present petitioner) from entering the suit land forcibly, not to disturb the peaceful possession of the plaintiff in the same and not to make construction in the suit land. The defendant No. 13 filed written objection against the said application for injunction. The trial Court heard the parties, perused the materials on record and being satisfied passed an order of temporary injunction in favour of the plaintiff till disposal of the suit. The appellate Court below affirmed the order of injunction passed by the trial Court. The defendant No. 13, against

whom the injunction order was passed, filed the instant civil revision, obtained a Rule and order of status quo.

I have heard the learned Advocates of both sides and perused the materials on records. I do not find any cogent reason to interfere with the concurrent finding of facts arrived at by the Courts below. Considering the facts and circumstances of the case, this Court is of the view that the interim order of status quo passed at the time of issuance of instant Rule is just and proper.

Accordingly, the parties are directed to maintain status quo in respect of possession of the suit land till disposal of the suit. The trial Court is directed to dispose of the suit expeditiously.

With above observation and directions, the Rule is disposed of.