

District: Dhaka

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

Present

Mr. Justice Md. Zakir Hossain

Civil Revision No. 1207 of 2024

Khodaza Begum being dead her heirs: Aigor
Ali and others

.....Plaintiff-Appellant-Petitioners

-Versus-

Md. Abdul Kader and others

.....Defendant-Respondent-Opposite Parties

Mr. Md. Ahia, Advocate

..... For the petitioners

Mr. Kh. Bahar Romy with

Mr. Md. Abdul Bari, Advocates

...For the opposite parties

Heard on: 19.05.2024 and 26.05.2024

Judgment on: 11.07.2024

At the instance of the petitioners, the *Rule* was issued by this
Court with the following terms:

“The Original Suit shall proceed as usual.

Records need not be called for.

Let a Rule be issued calling upon the opposite party Nos. 1-4 to show cause as to why the judgment and order dated 20.11.2023 passed by the learned District Judge, Dhaka in Miscellaneous Appeal No. 330 of 2023 affirming the judgment and order dated 31.08.2023 passed by the learned Senior Assistant Judge, 1st Court, Dhaka in T.S. No. 14 of 2023 rejecting the application for temporary injunction under Order 39 Rule 1 and 2 read with Section 151 of the Code

of Civil Procedure shall not be set aside and/or such other or further order or orders passed as to this Court may seem fit and proper.”

Facts leading to the issuance of the Rule are *inter alia* that in Title Suit No. 14 of 2023, the plaintiffs filed an application for temporary injunction. Upon hearing, the learned Senior Assistant Judge, 1st Court, Dhaka was pleased to dismiss the petition for temporary injunction. Challenging the legality and propriety of the judgment and order of the learned Senior Assistant Judge, the plaintiff-petitioners preferred Miscellaneous Appeal No. 330 of 2023 before the learned Senior District Judge, Dhaka. Upon hearing the learned Senior District Judge was pleased to dismiss the said appeal summarily. Impugning the judgment and order of the learned Senior District Judge, the petitioners moved this Court and obtained the Rule and *status quo* therewith.

Heard the submissions advanced by the learned Advocate of the parties at length and perused the materials on record with due care and attention and seriousness as they deserve. The convoluted question of law embroiled in this case has meticulously been waded through.

On perusal of the materials on record, it appears that the learned Senior Assistant Judge after assigning cogent reason rejected the petition for temporary injunction and the learned Senior District Judge concurred with the decision of the learned Senior Assistant Judge. On close perusal of the materials on records including the judgment of the Courts below, it appears to me that the plaintiffs have got no *prima facie* arguable case

and therefore, I hold the view that the concurrent findings of the Courts below are immune from any interference by this Court. Hence, the Rule shall fall through.

In the result, the Rule is discharged, however, without passing any order as to costs. The earlier order of *status quo* granted by this Court, thus, stands vacated and recalled.

Let a copy of the judgment be sent down to the Courts below at once.

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Md. Zakir Hossain, J

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