

Present:
Mr. Justice Sheikh Abdul Awal
and
Mr. Justice Md. Mansur Alam

First Miscellaneous Appeal No. 230 of 2008
 With
Civil Rule No. 304 (FM) of 2008

In the Matter of:

A. N. Textile Mills (Pvt.) Limited and others
Plaintiff-appellants.

-Versus-

The Secretary, Ministry of Forest and
 Environment, Bangladesh Secretariat, Dhaka and
 others

.... Defendant-respondents.

No one appears.

.... For the defendant-appellant.

Ms. Israt Jahan, A.A.G

.....For defendant-respondents.

Judgment on 30.04.2025.

Sheikh Abdul Awal, J:

This First Miscellaneous Appeal is directed against the order No. 16 dated 30.03.2008 passed by the learned Joint District Judge, 2nd Court, Gazipur in Title Suit No. 48 of 2007 directing both the parties to maintain status-quo in not granting the application for temporary injunction filed by the plaintiffs.

No one found present to press the appeal on repeated calls since long.

In view of the fact that this petty old appeal arising out of an interlocutory order has been dragging before this Court over a period of 16 years, we are, inclined to take it up for disposal on merit as per materials on records.

On scrutiny of the record, it appears that the appellants as plaintiffs filed Title Suit No. 48 of 2007 on 16. 5.2007 in the Court of the learned Joint District Judge, 2nd Court, Gazipur for declaration of title and also for declaration that R.S record of the suit land is wrong and not binding upon the plaintiffs.

Thereafter, while the suit was in progress the plaintiffs filed an application under Order XXXIX, Rule 1 and 2 read with section 151 of the Code of the Civil Procedure for temporary injunction restraining the defendants from evicting the plaintiffs from the suit land.

The learned Joint District Judge, 2nd Court, Gazipur after hearing the application by order dated 30.03.2008 granted status-quo regarding the suit land instead of temporary injunction.

Being aggrieved by the aforesaid impugned order passed by the learned Joint District Judge, 2nd Court, Gazipur the plaintiffs have preferred this First Miscellaneous Appeal before this Court.

Ms. Israt Jahan, learned Assistant Attorney General submits that the order of injunction passed by this Court on an application for injunction without hearing the Government respondents and it is on record that the Forest Department of Gazipur are in possession over the suit land.

However, on further query from the Court the learned Assistant Attorney General could not able to submit as to the latest possession of this old suit, whether it is still alive or disposed of.

Considering all the aspects of the case together with the impugned order dated 30.03.2008, it appears that both the parties are claiming their respective possession over the suit land. The trial particularly considering the case of both the parties passed an order of status-quo in respect of possession of the suit land. Therefore, in a suit

of this nature the order of status-quo instead of temporary injunction passed by the trial Court appears to be well founded in law and fact. No interference, is therefore, called for.

In the result, the First Miscellaneous appeal is dismissed without any order as to costs. Since the appeal is dismissed, the connected Rule being Civil Rule No. 304 (FM) of 2008 is discharged. The order of injunction granted earlier by this Court stands vacated.

Communicate this order to the Court Concerned at once.

Md. Mansur Alam, J:

I agree.