

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION

(CIVIL REVISIONAL JURISDICTION)

Civil Revision No. 6597 of 2023

In the matter of:

Md. Sahidul Islam Hira
...Petitioner.

-Vs-

Present
Mr. Justice Mamnoon Rahman

Md. Saidur Rahman and another
....Opposite parties.

Mr. Md. Zakir Hossain, Adv.
...For the petitioner.

Mr. Sherder Abul Hossain, Adv.
...For the opposite parties.

Heard on: **13.02.2025**

And

Judgment on: **The 19th 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. 1-2 to show cause as to why impugned judgment and order dated 04.10.2023 passed by the learned Additional District Judge, 2nd Court, Sirajganj in Miscellaneous Appeal No. 44 of 2022 allowing the appeal and reversing the order dated 16.08.2022 passed by the Assistant Judge, Belkuchi, Sirajganj in Other Type Case No. 422 of 2021 rejecting the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 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 petitioner as well as opposite parties. I have perused the impugned judgment and order passed by the court below, revisional application, ground taken thereon, as well as necessary papers and documents annexed herewith.

On perusal of the same, it transpires that the opposite party as plaintiff instituted Other Type Case No. 313 of 2019 in the court of Joint District

Judge, Sirajganj for permanent injunction impleading the petitioner as defendant. Subsequently, the case was transferred to the court of Assistant Judge, Belkuchi, Sirajganj being Title Suit No. 422 of 2021. It further transpires that the defendant-petitioner contested the suit by filing written statement denying all the material allegations made in the plaint. During pendency of the suit the plaintiff pressed an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908 for injunction which was resisted by the defendant by way of filing written objection. The trial court initially passed an interim order, but ultimately vide judgment and order dated 16.08.2022 rejected the application for injunction. Thereafter, the plaintiff preferred Miscellaneous Appeal being No. 44 of 2022 before the learned District Judge, Sirajganj and the lower appellate court after hearing the parties and considering the facts and circumstances allowed the miscellaneous case. Being aggrieved by and dissatisfied with the aforesaid judgment and order the petitioner moved before this court and obtained the present rule.

It further transpires that at the time of issuance of rule this court passed interim order of status-quo in respect of possession and position of the suit property for a period of six months on 04.12.2023. So, it transpires that the interim order passed by this court is continuing for more than one year. Hence, 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.

Accordingly, the court below is directed to hear and dispose of the suit strictly on merit by applying its independent and judicial mind

expeditiously, as possible, not later than 6(six) months from the date of receipt of the instant judgment and order without fail and without giving any adjournment to the parties. The order of status-quo shall continue till disposal of the suit by the court below.

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.

With this observation and direction, the instant rule is disposed of. Communicate the order at once.

(Mamnoon Rahman,J:)