

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

Civil Revision No. 1693 of 2024

In the matter of:

Rabia Begum and another
...Petitioners.

-Vs-

Present
Mr. Justice Mamnoon Rahman

Rajdhani Unnayan Kartipakkha (RAJUK)
and others.
....Opposite parties.

Mr. M. Syed Ahmed, Sr. Adv. with
Ms. Asma Akhter, Adv.

...For the petitioners.

Mr. Khan Md. Peer-E-Azam Akmal, DAG with
Mr. A.K.M. Mukhter Hossain, AAG

Ms. Sonia Tamanna, AAG

Mr. Md. Uzzal Hossain, AAG

...For the opposite parties.

Heard & judgment on: **The 17th 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 and 2 to show cause as to why the impugned order dated 27.03.2024 passed by the learned District Judge in Civil Miscellaneous Appeal No. 75 of 2024 passing an order on petitioner's application for injunction under section 151 of the Code of Civil Procedure to be kept with records which is amounting to rejection of the said application thereby upholding the judgment and order dated 14.03.2024 passed by the learned Joint District Judge, 1st Court, Dhaka in Title Suit No. 370 of 2023 rejecting the plaintiff-petitioners application for temporary injunction, 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 Advocate for the petitioners as well as the learned Deputy Attorney General for the opposite parties. I have perused the revisional application, ground taken thereon, supplementary affidavit, application for modification, as well as necessary papers and documents annexed herewith.

On perusal of the same, it transpires that at the time of issuance of rule this court directed the trial court to hear and dispose of the substantive application for injunction with a further order of status-quo till disposal of the same. On perusal of the supplementary-affidavit, it transpires that in the meantime the trial court disposed of the application as directed by this court and being aggrieved by and dissatisfied with the said order the petitioner has already invoked the jurisdiction and the appellate court is yet to hear the appeal. Since the order passed by this court has already been complied by the trial court, I am of the view that the rule itself will become infructuous.

Accordingly, the instant rule is discharged as being infructuous.

However, the learned Advocate for the petitioner prays for an extension of interim order. But it transpires that in the meantime the trial court rejected the prayer and the petitioner has already invoked the appropriate jurisdiction. In such circumstances, I am of the view that justice would be done if a direction be given upon the lower appellate court to hear and dispose of the Miscellaneous Appeal No. 295 of 2024 expeditiously, as possible. Accordingly, the lower appellate court is directed to hear and dispose of the Miscellaneous Appeal being No. 295 of 2024 strictly on merit by applying its independent and judicial

mind expeditiously, as possible, not later than 31st July, 2025. Till disposal of the appeal by the lower appellate court the parties are directed to maintain status-quo in respect of possession of the scheduled property.

The office is directed to communicate the order to the concerned court below with a copy of the judgment, at once.

(Mamnoon Rahman,J:)