

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

**Present:**  
**Mr. Justice Md. Khairul Alam**

**Civil Revision No. 4957 of 2024**

Md. Shakim Uddin Talukder and others.  
..... Petitioners.

-Versus-

Md. Easin Talukder and others.  
..... Opposite parties.

Mr. Mantu Chandra Ghosh, Advocate  
..... For the petitioners.

Mr. Md. Shahabul Alam Chowdhury, Advocate  
..... For the opposite parties.

**Heard on 18.05.2025 and**  
**Judgment on: 19.05.2025.**

This Rule was issued calling upon the opposite parties to show cause as to why the judgment and order dated 12.03.2024 passed by the learned Joint District Judge, 3<sup>rd</sup> Court, Mymensingh in Miscellaneous Appeal No. 30 of 2022 dismissing the appeal and thereby affirming the order dated 22.05.2022 passed by the learned Senior Assistant Judge, Bhaluka, Mymensing in Other Class Suit No. 60 of 2022 allowing an application under Order XXXIX rule 1 and 2 of the Code of Civil Procedure 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.

Relevant facts for disposal of the Rule are that the present opposite party No.1 as plaintiff filed Other Class Suit No. 60 of 2022 in the court of Senior Assistant Judge, Bhaluka, Mymensingh impleading the present petitioners and others as defendants praying for a permanent injunction over the suit property as described in the schedule

to the plaint. In the said suit, the plaintiff filed an application under Order XXXIX rules 1 and 2 read with section 151 of the Code of Civil Procedure praying for a temporary injunction. The present petitioners contested the said application by filing a written objection denying the materials allegations made in the application.

After hearing the parties the learned Senior Assistant Judge, Bhaluka, Mymensingh by the order dated 22.05.2022 allowed the same.

Challenging the said order the defendants preferred Miscellaneous Appeal No. 30 of 2022 before the Court of District Judge, Memensingh. On transfer, the appeal was heard and disposed of by the learned Joint District Judge, 3<sup>rd</sup> Court, Mymensingh who by his judgment and order dated 09.05.2005 dismissed the appeal and thereby affirmed the order passed by the trial court.

Being aggrieved thereby the petitioners filed this civil revision and obtained the Rule and an order of stay of the impugned order.

Heard the learned Advocates for the contending parties, peruse the revisional application and other materials on record.

It appears that the present opposite party No.1 filed a suit for a permanent injunction. In the said suit, the plaintiff filed an application for a temporary injunction. The trial judge allowed the application and in appeal, the said order was affirmed. At the time of the issuance of the Rule, this Court stayed the said orders. At the time of hearing of the Rule, both parties claimed their respective title and possession to the suit property, but neither of them expressed any apprehension of imminent dispossession from the suit property.

In the above facts and circumstances of the case, it appears to this Court that justice would be best served without entering into the merit of the suit if the Rule is disposed of with a direction.

Accordingly, the Rule is disposed of without any order as to cost.

The learned Senior Assistant Judge, Bhaluka, Mymensingh is hereby directed to dispose of the Other Class Suit No. 60 of 2022 as early as possible if, in the meantime, the same is not otherwise disposed of and the parties are directed to maintain status quo in respect of possession of the suit land till disposal of the suit.

Let a copy of the judgment and order be communicated at once.

Kashem, B.O