

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

Present:

Mr. Justice Md. Riaz Uddin Khan

Civil Revision No. 3226 of 2024

IN THE MATTER OF:

An application under section 115(1) of the
Code of Civil Procedure, 1908

-And-

In the Matter of:

Mst. Salama alias Salma Khatun and another
... Plaintiff-Petitioners

Versus

Ashok Kumar Ghosh and others
... Defendant-Opposite Parties
Mr. Mustafizur Rahman, Advocate
... For the petitioners

Ms. Mitu Sikder, Advocate with
Mr. Amzad Hossain, Advocate
... For the opposite parties

Judgment on: 02.08.2026

Md. Riaz Uddin Khan, J.-

At the instance of the plaintiffs Rule was issued asking the opposite parties to show cause as to why the order dated 27.05.2024 passed by the District Judge, Narail in Miscellaneous Appeal No.29 of 2023 allowing the appeal and thereby setting aside the order No.62 dated 24.08.2023 passed by the Assistant Judge, Lohagora, Narail in Civil Suit No.33 of 2019, should not be set aside and/or such other or further order or orders should not be passed as to this Court may deem fit and appropriate.

At the time of issuance of Rule the parties were directed to maintain status-quo in respect of possession and position of the suit property for a

period of 06(six) months which was lastly extended on 21.04.2026 for a period of 03(three) months.

Facts in a nutshell for disposal of this Rule are that the present petitioners being plaintiffs filed Civil Suit No. 33 of 2019 for permanent injunction. At one stage of the suit the plaintiffs filed an application for temporary injunction under Order-XXXIX, Rule-1 and 2 of the Code of Civil Procedure against which the defendant Nos. 2 and 4 filed written objection and vehemently opposed the prayer of temporary injunction. After hearing the trial court was pleased to allow the application for temporary injunction by his order dated 24.08.2023 restraining the defendants from transferring the suit land along with his adjacent land and or changing the nature and character of the suit property. Against this order defendant Nos.2 and 4 filed Miscellaneous Appeal No. 29 of 2023 before the District Judge, who after hearing both the parties was pleased to allow the appeal and thereby set-aside the order passed by the trial court by impugned judgment and order dated 27.05.2024.

Being aggrieved by and dissatisfied with the impugned judgment and order dated 27.05.2024 passed by the District Judge, Narail the plaintiffs filed the instant civil revision before this Court and obtained the Rule and interim order as stated at the very outset.

Mr. Mustafizur Rahman, the learned advocate appearing for the petitioners submits that the

plaintiff-petitioners filed the suit for permanent injunction and after considering the documents the trial court was primarily satisfied for which the trial court was pleased to allow the application for temporary injunction but the court of appeal below without considering those facts illegally allowed the miscellaneous appeal. The learned advocate then submits that he obtaining interim order from this Court on 29.07.2024 and in the meantime more than 02(two) years have elapsed and parties are in position of the suit land peacefully.

Ms. Mitu Sikder along with Mr. Amzad Hossain, learned advocate for the opposite parties appearing before this Court by filing counter-affidavit submits that the suit itself is not maintainable as plaintiffs have no right, title and interest over the suit land. The learned advocate further submits that the trial court's order restraining the defendants from transferring even the adjacent land of the suit property which cannot be sustain in law. The learned advocate finally submits that the defendants are in position of the suit land.

I have heard the submissions of both the parties, perused the application, counter-affidavit along with annexures.

It appears that the plaintiff-petitioners obtained temporary injunction on 24.08.2023 from the trial court and though the court of appeal below reversed that order of temporary injunction but the plaintiff-petitioners again obtained an

order of status-quo. It appears that the suit has been filed in 2019 for permanent injunction and meanwhile more than 07(seven) years have elapsed and by virtue of the interim order passed by this Court the parties are maintaining their respective possession. In such view of the matter, in my opinion, justice would be met, if the trial court is directed to conclude the trial within a reasonable time and in that period the parties maintain their possession as passed by this Court earlier by interim order.

In such view of the matter the trial court is directed to conclude the trial as far as practicable without adjourning the trial unnecessarily and during the trial the parties should maintain status-quo in respect of their possession till disposal of the suit.

Resultantly, the Rule is **disposed of** with above observations.

Communicate the judgment and order at once.