

Bench:

Mr. Justice Bhishmadev Chakraborty

Civil Revision No.2168 of 2024

Mahbubul Alam .....petitioner

-Versus-

Mohammad Rokibul Haq alias Sadu  
.....opposite party

Mr. Md. Arif Hossain Mozumder, Advocate  
..... for the petitioner

Mr. Chanchal Kumar Biswas, Advocate  
..... for the opposite party

Judgment on 01.07.2025

At the instance of the defendant leave was granted and Rule was issued calling upon the opposite party to show cause as to why the judgment and order of the Senior District Judge, Dhaka passed on 09.05.2024 in Civil Revision 86 of 2024 staying operation of order of the Senior Assistant Judge, Court 2, Dhaka passed on 08.04.2024 in Title Suit 293 of 2022 arising out of Title Suit 21 of 2020 shall not be set aside and/or such other or further order or orders passed to this Court may seem fit and proper.

At the time of issuing this Rule, the parties were directed to maintain *status quo* in respect of possession and position in the suit property for a limited period which was subsequently extended till disposal of the Rule.

Facts relevant for disposal of the Rule, in brief, are that the plaintiff instituted the aforesaid suit praying for permanent

injunction against the defendant restraining him from dispossessing the plaintiff from the suit shops described in the schedule to the plaint and entering therein forcibly by breaking locks.

During pending of the aforesaid suit, the petitioner filed an application under Order 39 Rule 1 of the Code of Civil Procedure (the Code) praying for temporary injunction against the defendant. The defendant filed written objection against it. However, the Assistant Judge after hearing both the parties by order dated 19.02.2020 allowed the application in a modified form directing the parties to maintain *status quo* in respect of the suit shops till disposal of the suit. Subsequently, the plaintiff filed an application under section 151 of the Code praying for a direction upon the Officer-in-Charge (OC) of Hajaribag police station to take steps against the defendant from breaking locks of the suit shops. The learned Assistant Judge allowed the said application on 21.03.2024 and directed the concerned police station to take steps as prayed for.

Thereafter, third party-applicants filed two applications therein, one under Order 1 Rule 3 and 10(2) of the Code for adding them as defendants and the other for vacating the order of direction given to the OC of Hajaribag police station dated 21.03.2024. The Assistant Judge heard the parties on 08.04.2024

and rejected both the applications. But under inherent jurisdiction recalled the earlier order dated 21.03.2024 passed by the selfsame Court.

Against the aforesaid order of recall passed by Assistant Judge the plaintiff approached the District Judge, Dhaka by filing Civil Revision 86 of 2024 under section 115(2) of the Code. Learned District Judge by the order passed on 09.05.2024 admitted the revision for hearing, fixed the next date to 03.06.2024 and stayed the operation of the impugned order of recall till date. In this juncture, the defendant moved in this Court with this revisional application under section 115(4) of the Code upon which leave was granted and Rule was issued with an interim order directing the parties to maintain *status quo* in respect of the possession and position of the suit shops.

Mr. Md. Arif Hossain Mozumder, learned Advocate for the petitioner taking us through the materials on record very candidly submits that the learned District Judge did not dispose of the revision on merit but admitted it for hearing fixing next date to 03.06.2024 for S/R and A/D and stayed the impugned order till next date. At the time of issuing this Rule, a bench of this Division passed an *interim* order directing the parties to maintain *status quo* in respect of possession and position of the suit shops. He then submits that by the *interim* order of this Court, the order of *status*

*quo* passed by the Assistant Judge has been affirmed which is still in force. In the premises above, this Rule may be disposed of with direction to the learned District Judge to dispose of the revision on merit maintaining the order of *status quo* passed by this Court.

Mr. Chanchal Kumar Biswas, learned Advocate for the opposite party submits that since in the revision the learned District Judge passed order of stay of the impugned order of recall passed by the Assistant Judge for a limited period which expired long ago, therefore, this Rule has become infructuous. The Rule, therefore, may be discharged being infructuous or it may be disposed of with a direction to dispose of the revision expeditiously.

I have considered the submissions of both the sides, gone through the impugned order and materials on record. In view of the admitted facts, position of the suit, revision pending before the District Judge and the submissions of the learned Advocates for both the sides, I find that justice would be best served, if the subordinate revisional Court is directed to dispose of the revision pending before it within a short span of time keeping the order of *status quo* passed by this Court as it is. It is to be noted here that this division did not pass order of stay of the *interim* order passed by the District Judge.

Therefore, the Court of Senior District Judge, Dhaka is directed to dispose of Civil Revision 86 of 2024 now pending before it within 02(two) months from the date of receipt of this judgment and order. The order of *status quo* in respect of possession and position of the suit shops passed by the Assistant Judge and this Division shall continue till disposal of the original suit.

This Rule, therefore, is disposed of with the aforesaid observation and direction. No order as to costs.

Communicate this judgment and order to the concerned Courts.