

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

Present:

Mr. Justice Md. Khairul Alam

Civil Revision No. 6312 of 2022

Md. Habibur Rahman.

..... Petitioner.

-Versus-

Akramul Haque Chowdhury and others.

-Opposite parties.

Mr. Md. Rabibul Alam, Advocate

..... For the petitioner.

Mr. M. G. Mahmud (Shaheen) with

Mr. Md. Emran Hossain, Advocate

..... For the opposite parties.

Heard on 08.05.2025 and
Judgment on: 15.05.2025.

This Rule was issued calling upon the opposite parties No.1-6 to show cause as to why the impugned judgment and order dated 23.08.2022 passed by the learned Joint District Judge, 1st Court, Kurigram in Miscellaneous Appeal No. 13 of 2021 dismissing the appeal and thereby affirming the order dated 18.01.2021 passed by the learned Senior Assistant Judge, Sadar, Kurigram in Other Suit No. 158 of 2020 allowing the application under Order XXIX rules 1 and 2 read with section 151 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 parties No. 1-35 filed Other Class Suit No. 158 of 2020 in the court of Senior Assistant Judge, Sadar, Kurigram impleading the present petitioner and others as defendants praying for declaration of title over

the suit property. In the said suit, the plaintiffs filed an application under Order XXXIX rules 1 and 2 read with section 151 of the Code of Civil Procedure praying for temporary injunction against defendants No. 27 and 28. The present petitioner as defendant No. 27, 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, Sadar, Kurigram by the order dated 18.01.2021 allowed the application.

Challenging the said order the petitioner preferred Miscellaneous Appeal No. 13 of 2021 before the Court of District Judge, Kurigram which was subsequently transferred to the Court of Joint District Judge, 1st Court, Kurigram who after hearing the parties by the judgment and order dated 23.08.2022 dismissed the appeal and thereby affirmed the order passed by the trial court.

Being aggrieved thereby the petitioner filed this civil revision and obtained the Rule and an order of status quo.

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

It appears that the plaintiffs filed the suit for declaration of title over the suit property. In the said suit, the plaintiffs filed an application praying for temporary injunction and obtained an order of temporary injunction on 18.01.2021. Challenging the said order the defendants preferred an appeal and the appeal was dismissed on 23.08.2022. Being aggrieved thereby the petitioner filed this civil revision and obtained the Rule and order of status quo on 13.12.2022 and since then they have been maintaining the order of status quo. At the time of hearing of this

Rule, none of the parties raised any imminent apprehension of dispossessing 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 Rule if the same is disposed of with a direction to the learned Senior Assistant Judge, Sadar, Kurigram to dispose of the Other Suit No. 158 of 2020 as early as possible if, in the meantime, the same is not otherwise disposed of.

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

The learned Senior Assistant Judge, Sadar, Kurigram is hereby directed to dispose of the Other Suit No. 158 of 2020 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.