

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

**Present:**

Mr. Justice Md. Khairul Alam

**Civil Revision No. 104 of 2025**

Akram Ullah Gazi (Bir Protik) and another.  
..... -Petitioners.

-Versus-

Md. Abu Siddique and others.  
..... -Opposite parties.

Ms. Hamida Chowdhury, Advocate  
..... For the petitioners.

Mr. Md. Lokman Hossain, with  
Ms. Shahinur Begum, Advocates  
..... For the opposite parties.

Heard on: 02.07.2025 and  
**Judgment on: 09.07.2025.**

This Rule was issued calling upon the opposite parties to show cause as to why the judgment and order dated 14.07.2024 passed by the learned Additional District Judge, 2<sup>nd</sup> Court, Lakshmipur in Miscellaneous Appeal No. 02 of 2023 dismissing the appeal and affirming the order dated 04.01.2023 passed by the learned Senior Assistant Judge, Sadar, Lakshmipur in Title Suit No. 393 of 2012 rejecting the application for temporary injunction filed under Order XXXIX rule 1 read with section 151 of the Code of Civil Procedure by the plaintiffs against the defendants No. 12 and 13 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 petitioners as plaintiffs filed Title Suit No. 393 of 2012 in the Court of Senior Assistant Judge, Sadar, Lakshmipur impleading the present opposite parties as defendants seeking partition of the suit property

pleading, inter alia, that the plaintiffs were the owners and possessors of the suit property by purchase which was not partitioned by metes and bounds. On 17.04.2011, the plaintiffs requested the defendants for partition of the suit property, but they refused, hence the suit. In the said suit, the plaintiffs filed an application under Order XXXIX rule 1 of the Code of Civil Procedure praying for a temporary injunction stating, inter alia, that on 15.06.2021 defendants No. 12 and 13 tried to dispossess the plaintiffs from the suit property. It is also stated that defendants No. 12 and 13 were trying to construct a house on 11 decimals of the suit land. The defendants contested the said application by filing a written objection denying the material allegations made in the application. The learned Senior Assistant Judge, Sadar, Lakshmipur after hearing the parties by the order dated 04.01.2023 rejected the application. Against the said order, the defendants preferred Miscellaneous Appeal No. 02 of 2023 in the Court of District Judge, Lakshmipur which was subsequently transferred to the Court of Additional District Judge, 2<sup>nd</sup> Court, Lakshmipur who after hearing the parties by the judgment and order dated 14.07.2024 dismissed the same 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 status quo.

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

It appears that the present petitioners as plaintiffs filed a suit for partition of the suit land. In the said suit, the plaintiffs filed an application for a temporary injunction. The trial judge rejected the application and on appeal, the said order was affirmed. Challenging the said order

defendants preferred this revisional application and obtained the Rule and an order of status quo.

At the time of hearing of the Rule, both parties claimed their title and possession to the suit property, but neither of them expressed any apprehension of imminent dispossession from the suit property.

On the inquiry of the Court, the learned Advocates informed that due to the pendency of this Rule, the original suit is not proceeding properly.

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, Sadar, Lakshmipur is hereby directed to dispose of Title Suit No. 393 of 2012 as early as possible preferably within 06 (six) months from the date of receipt of this judgment and order 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