

**District-Satkhira**

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

**Present:**

**Mr. Justice Md. Toufiq Inam**

**Civil Revision No. 627 of 2025.**

Bimol Kumar Mondal,  
----- Plaintiff-Respondent-Petitioner.

-Versus-

Pran Nath Dash.  
----- Contesting-Defendant No.4- Appellant-  
Opposite party No.1.

Mr. Abdul Mazid, Advocate with  
Mr. G.M. Azizur Rahman, Advocate  
----- For the Plaintiff-Respondent-Petitioner.

Mr. Md. Shibbir Ahmad, Advocate  
----- For the Contesting-Defendant No.4- Appellant-  
Opposite party No.1.

**Heard and Judgment Delivered On: 20.08.2025.**

**Md. Toufiq Inam, J:**

By issuance of this Rule, the defendant-opposite parties were called upon to show cause as to why the judgment and order dated 06.02.2025 passed by the learned Senior District Judge, Satkhira in Miscellaneous Appeal No. 08 of 2025, allowing the application filed under Order 41 Rule 5 read with section 151 of the Code of Civil Procedure and thereby staying the operation of the order dated 13.10.2025 passed by the learned Joint District Judge, 1st Court, Satkhira in Title Suit No. 87 of 2024 granting temporary injunction restraining transfer of the suit land, should not be set aside and/or why such other or further order or orders should not be passed as to this Court may seem fit and proper.

The petitioner, as plaintiff, instituted Title Suit No. 87 of 2024 in the court of the learned Joint District Judge, 1st Court, Satkhira, impleading the opposite parties as defendants, seeking declaration of title in respect of the suit property described in the schedule of the plaint.

During pendency of the suit, the plaintiff-petitioner filed an application under Order 39 Rules 1 and 2 CPC praying for temporary injunction to restrain defendants Nos. 1 and 4 from transferring the suit land and also from dispossessing the plaintiff therefrom. Upon initial hearing, the trial court issued a show-cause notice and granted an order of status quo by order dated 08.10.2024.

In response, defendant No. 4 (opposite party No. 1 herein) contested by filing written objection. Upon hearing both sides, the trial court by order dated 13.10.2025 allowed the application and passed an order of temporary injunction restraining defendants Nos. 1 and 4 from transferring the suit land. Aggrieved, the defendants preferred Miscellaneous Appeal No. 08 of 2025 before the appellate court, and the learned District Judge upon admission of the appeal and issuance of notice passed the impugned order dated 06.02.2025 staying operation of the trial court's injunction order. Against the said order, the plaintiff-petitioner moved this Court under Section 115 CPC and obtained the present Rule, which is now taken up for disposal.

Mr. Abdul Mazid, learned Advocate for the petitioner, submits that the defendants Nos. 1 and 4 openly threatened to transfer the suit property to third parties, and in order to prevent frustration of the suit, the trial court rightly granted an injunction after contested hearing. He argues that the appellate court committed manifest error in staying such a reasoned order of injunction, thereby exposing the suit property to imminent danger of transfer and multiplicity of proceedings. He prays for making the Rule absolute.

Per contra, Mr. Md. Shibbir Ahmad, learned Advocate for defendant-opposite party No. 1, submits that the defendant is the lawful owner of the property, his name having been duly mutated in the record of rights, and that he is in possession thereof. He contends that the trial court committed error in restraining him from exercising incidents of ownership and that the appellate court, upon finding a prima facie case, stayed the trial court's order. He argues that such stay order is interlocutory and causes no failure of justice, and thus calls for no interference by this Court.

Having heard the learned Advocates for both sides and upon perusal of the application, the impugned order, and other materials on record, this Court is inclined to render its decision as follows.

It appears that the suit for declaration of title is still pending before the trial court and the core issues remain to be adjudicated on evidence. This Court notes that an order of temporary injunction is intended to preserve the subject matter of the suit so that the ultimate decree, if passed, may not be rendered illusory. The balance of convenience, prima facie case, and risk of irreparable loss are the guiding considerations. The trial court, upon contested hearing, found justification to restrain transfer of the suit property. The appellate court, however, stayed that order without entering into full consideration of the three tests of injunction, since the appeal itself is pending adjudication.

This Court further notes that at the time of issuance of the Rule, an interim order of status quo was passed by this Court to protect the subject matter of the suit. That order has since been extended from time to time and is still in force. Such interim protection demonstrates that preservation of the property is essential to avoid multiplicity of proceedings and to protect the rights of parties until the appellate court finally determines the issue.

In these circumstances, while this Court refrains from commenting on the merits of the injunction, since the matter is sub judice before the appellate court, the ends of justice require that the appellate court be directed to dispose of Miscellaneous Appeal No. 08 of 2025 expeditiously within a fixed timeframe. Until then, maintenance of status quo in respect of possession and nature of the suit property will adequately protect both sides.

Accordingly, **this Rule is disposed of** with the following directions:

1. The learned District Judge, Satkhira, is directed to dispose of Miscellaneous Appeal No. 08 of 2025 expeditiously, preferably within three (3) months from the date of receipt of this order.
2. In the meantime, both the parties are directed to maintain strict status quo as to possession, ownership, and nature of the suit property.

The office is directed to communicate this order to the court below at once.

**(Justice Md. Toufiq Inam)**