

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

Present:

Mr. Justice Md. Riaz Uddin Khan

Civil Revision No. 3814 of 2025

IN THE MATTER OF :

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

-And-

In the Matter of:

Krishnapada Biswas and others

... Plaintiff-Petitioners

-Versus-

Md. Siddique Sheikh and others

... Defendant-Opposite Parties

Mr. Biplab Goswami, Advocate

... For the petitioners

Mr. Md. Hamidur Rahman, Advocate

... For the Opposite Party Nos. 1-5

Judgment on: 12.07.2026

Md. Riaz Uddin Khan, J-

At the instance of the plaintiffs Rule was issued calling upon the opposite party Nos.1-5 to show cause as to why the judgment and order dated 21.05.2025 passed by the Joint District Judge, 2nd Court, Faridpur in Miscellaneous Appeal No.58 of 2023 allowing the appeal and thereby reversing the judgment and order dated 25.09.2023 passed by the Assistant Judge, Charbhadrason, Faridpur in Title Suit No.119 of 2022 directing the parties to maintain *status-quo* till disposal of the suit should not be set aside and/or such other or further order or orders passed as to this Court may deem fit and appropriate.

At the time of issuance of Rule all further proceedings of Title Suit No.119 of 2022 was stayed and

the parties were directed to maintain *status-quo* in respect of possession of the suit land till disposal of the Rule.

Facts for disposal of this Rule in a nutshell are that the petitioners herein as plaintiffs instituted Title Suit No.119 of 2022 in the Court of Assistant Judge, Charbhadrasan, Faridpur for declaration of their title to the land described in schedule Ka(1) to Ka(3) to the plaint and for a further declaration that 5(five) settlement deeds mentioned in schedule 'Kha' to the plaint are illegal, void, fraudulent and not binding upon them.

The case of the plaintiffs is that, total 1.29 acres of land out of 2.57 acres of SA plot No.153 appertaining to SA khatian No.63 and plot No.180 appertaining to SA khatian No.74 mentioned in schedule Ka(1) to the plaint belongs to the plaintiff No.1; total 2.15 acres land of SA plot No.154 appertaining to SA khatian No.65 and SA plot No.179 appertaining to SA khatian No.75 mentioned in schedule Ka(2) belongs to plaintiff No.2 and total 2.25 acres of land of SA plot Nos.155 and 157 appertaining to SA khatian No.67 and 75 acres of land of SA plot Nos.176 and 178 appertaining to SA khatian No.80 mentioned in schedule Ka(3) to the plaint belongs to the plaintiff No.3 which they have inherited from their predecessors but during the BRS operation the entire lands have been wrongly recorded as khas land of the Government and the defendant Nos.1-10 in collusion with each other fraudulently manufactured 5(five) registered kabuliyat mentioned in schedule 'Kha' to the plaint bearing No.556 dated 14.08.2018, No.557 dated 14.08.2018, No.498 dated

20.07.2017, No.677 dated 01.10.2019 purporting to give settlement of 5.00 acres of land of the suit khatian, though possession was never handed over to the defendant Nos.2-10. The plaintiffs have been possessing the suit land peacefully and having come to know from the defendant No.1 that the suit lands have been recorded in the name of the Government and defendant Nos.2-10 obtained settlement from the Government, the plaintiffs after obtaining the certified copies of settlement deeds instituted the instant suit.

The plaintiff-petitioners then filed an application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure praying for temporary injunction against the defendant Nos. 1-10 on the ground that they took an attempt to enter into 1.29 acres of suit land mentioned in the Ka(1) schedule to the plaint on 11.06.2023 and tried to harvest the maize as well as to erect a hut therein but being failed they threatened to dispossess the plaintiffs there from. The defendants 1-5 filed written objection jointly denying the material allegations of the application for temporary injunction contending *inter alia* that the suit land along with other land at Mouza-Char Salepur being diluviated by the erosion of the river Padma immediately after SA operation and subsequently became the alluvial land before BRS operation for which the interest of the recorded tenants was annulled under PO no.135 of 1972 and accordingly recorded in the name of the Government as khas land. The Government subsequently settled 5.00 acres land in favour of landless defendants in different settlement cases by registered kabuliyat. The defendants are possessing the land on payment of rents

to the government. The plaintiffs have no right, title, interest to or possession in the suit land.

The Assistant Judge upon hearing both the parties and perusal of the documents was pleased to allow the application for temporary injunction in the modified form and asked both parties to maintain *status-quo* by the order No.15 dated 25.09.2023. Against that order passed by the Assistant Judge, the defendants 1-5 preferred Miscellaneous Appeal No.58 of 2023 before the District Judge, Faridpur which upon transfer was heard by the Joint District Judge, 2nd Court, Faridpur, who allowed the appeal by the impugned judgment and order dated 21.05.2025.

Being aggrieved by and dissatisfied with the said judgment and order dated 21.05.2025 passed by the District Judge, Faridpur the plaintiffs filed the instant civil revision before this Court and obtained the Rule and interim order as stated at the very outset.

Mr. Md. Biplab Goswami, the learned advocate appearing for the plaintiff-petitioners submits that the petitioners claimed title to the suit land by way of inheritance and there is no denial of the fact that the suit land belonged to the predecessors of the plaintiffs whose names were rightly recorded in the SA Khatian but During BRS operation the entire lands of those SA khatian have been recorded in the name of the Government in khatian No.1 as khas land which made an opportunity for the greedy defendants to take settlement of that land from the Government by executing kabuliyat; the land never deluviated and the plaintiffs are in possession of the suit land. The

Assistant Judge rightly observed that it was not possible to determine the correctness of BRS khatian without trial and directed the parties to maintain *status-quo* in respect of nature and character of the suit land and reaping the crops grown thereon but the court of appeal below without considering that aspect reversed the order which is neither legal nor justified. The plaintiffs have prima facie and good arguable case who would sustain irreparable loss and injury if the defendants erect any hut, reap the crops and change the nature and character of the suit land and the balance of convenience and inconvenience is in favour of the petitioners. However, Mr. Goswami submits that since the interim order was passed on 24.08.2025 by this Court, about 1 (one) year ago and there is no allegation of any disturbance by any of the parties before this Court hence the interim order should be continued and the Rule may be disposed of.

Per contra, Mr. Md. Hamidur Rahman, the learned advocate appearing for the defendant-opposite parties submits that the defendants after getting the suit property from the government mutated their names and paying rents to the government which proved that they are in possession of the suit land. The plaintiffs have no title and possession in the suit land.

I have heard the learned advocates for both the parties, perused the application along with the annexures. I have also gone through the order passed by the trial court as well as the judgment and order passed by the court of appeal below.

It appears that admittedly the SA Khatian of the suit lands are recorded in the names of the

plaintiffs' predecessors. The plaintiffs claimed title and possession in the suit land by inheritance. On the other hand the latest (BRS) khatian was record in the name of the government and the defendants got settlement from the government who also claimed possession of the suit land. The plaintiffs obtained order of status-quo by the trial Court on 25.09.2023 which was reversed on 21.05.2025 by the court of appeal below. Then the plaintiff-petitioners obtained interim order of *status-quo* from this Court on 24.08.2025 and in the mean time, almost one year elapsed and there is no allegation of any disturbance in peaceful possession of the parties. Be that as it may, since both the parties claimed title and possession in the suit land and there is serious question of title hence it should be decided by the trial court after taking evidence. At this stage, in my opinion, justice would be met if the trial court is directed to conclude the trial expeditiously and parties to maintain *status-quo* in respect of the possession of the suit land.

In the result, this Rule is **disposed of**. The parties are directed to maintain *status-quo* in respect of the suit land till disposal of the suit. The interim order passed by this court regarding the stay of the proceeding of title Suit No.119 of 2022 stands vacated.

The trial court is directed to conclude the trial expeditiously as early as practicable without giving adjournments to the parties unless in dire necessity.

Communicate this judgment and order at once.