

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

Present:

Mr. Justice Md. Riaz Uddin Khan

Civil Revision No. 3949 of 2025

IN THE MATTER OF :

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

-And-

In the Matter of:

Sayed Nafiz Ahamed @ Nafiz Ahamed being dead his
heirs: 1(a) Syed Nasim Ahmed and others

... Plaintiff-Petitioners

-Versus-

Syed Miraz Ahamed and others

... Defendant-Opposite Parties

Ms. Jobaida Gulshan Ara, Advocate

... For the petitioners

Mr. Gazi Md. Mohsin, Advocate with

Mr. Ajgar Hossain, Advocate

... For the Opposite Party Nos.1-4

Judgment on: 30.06.2026

Md. Riaz Uddin Khan, J:-

At the instance of the plaintiff Rule was issued calling upon the opposite party Nos.1-4 to show cause as to why the impugned order dated 18.08.2025 passed by the Additional District Judge, 5th Court, Chattogram in Miscellaneous Appeal No.05 of 2025 dismissing the same and thereby affirming the order dated 25.11.2024 passed by the Joint District Judge, 3rd Court, Chattogram in Other Suit No.15 of 2024 rejecting an application filed under Order XXXIX Rule 1 and 2 read with section 151 of the Code of Civil Procedure for temporary injunction should not be set aside and/or such other or further order or orders should not be passed as to this Court may deem fit and appropriate.

At the time of issuance of Rule this Court directed the parties to maintain status-quo in respect of possession of the suit land.

The plaintiff filed Other Suit No.152 of 2024 for cancelling of a *Hiba* Deed executed by him in favour of the defendant. At one stage of the suit the plaintiff filed an application for temporary injunction under Order XXXIX Rule 1 and 2 read with section 151 of the Code of Civil Procedure.

The defendant-opposite parties appeared and filed written objection against the application for temporary injunction. After hearing both parties the trial court rejected the application for temporary injunction vide order dated 25.11.2024.

Against the said order dated 25.11.2024 passed by the trial court the plaintiff filed Miscellaneous Appeal No.05 of 2025 before the District Judge, Chattogram which was ultimately heard by the Additional District Judge, 5th Court, Chattogram. After hearing both the parties the appeal was also dismissed *in limine* without admitting the same vide judgment and order dated 18.08.2025.

Being aggrieved by and dissatisfied with the aforesaid judgment and order dated 18.08.2025 the plaintiff filed the instant Civil Revision and obtained Rule and order of status-quo as stated at the very outset.

Ms. Jobaida Gulshan Ara, the learned advocate appearing for the substituted petitioners submits that the plaintiff was the father of the present petitioners and opposite parties as the plaintiff maintained two families through his two wives. The opposite parties by intoxicating the plaintiff obtained the disputed *hiba*

deed which he has challenged by filing the present suit for cancellation of the said deed of *hiba*. The petitioner has no other means of leaving without of this disputed house, shops etcetera situated on the disputed land purportedly transferred by *hiba*. The petitioner is in possession of the suit land. Hence, the learned advocate prayed that the interim order should be continued and the parties may be directed to take steps for disposal of the suit as early as possible.

On the other hand Mr. Gazi Md. Mohsin along with Mr. Ajgar Hossain, the learned advocate appearing for the opposite parties submits that both the trial court found documentary evidence that the defendant-opposite parties are in possession and the latest mutation and rent receipts are in their names. In such view the instant Rule should be discharged. However, Mr. Mohsin submits that this Court may direct the trial Court to dispose of the suit as early as possible.

I have heard the learned advocates for both the parties, perused the application along with the annexures. It appears that the dispute is between the father and his children. It is admitted that both parties are living in the suit property beside their suit shops. The interim order was passed on 14.09.2025 directing both the parties to maintain status-quo. Both parties claimed possession. It is undeniable after the death of the original plaintiff-petitioner both the parties are legal heirs of the deceased plaintiff. In such view of the matter, in my opinion, justice would be met, if the trial court is directed to dispose of the suit as early as possible maintaining status-quo

with regard to the possession of the suit land by the parties till disposal of the suit.

Accordingly this Rule is disposed of directing the parties to maintain status-quo in respect of possession of the suit land. The trial court is directed to dispose of the suit as early as possible without giving any adjournment to the parties except in dire necessity.

With this observation the Rule is **disposed of**.

Communicate the judgment and order at once.