

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

Present:
Mr. Justice S M Kuddus Zaman
and
Ms. Justice Tamanna Rahman Khalidi

FIRST MISCELLANEOUS APPEAL No.591 of 2025
With
Civil Rule No.419(fm) of 2025

Md. Ashraful Alam Jahid

... Appellant

-Versus-

Mst. Mim Akter

...for the respondent

Mr. Sasti Sarker, Senior Advocate with
Mr. Laxman Biswas, Advocate
... For the appellant

Mr. Aktaruzzaman, Advocate
... For the respondent

Heard & Judgment on: 11.08.2026.

S M Kuddus Zaman, J

This First Miscellaneous Appeal is directed against judgment and order dated 25.05.2025 passed by the learned Joint District Judge, 5th Court, Dhaka in Title Suit No.175 of 2025 allowing the application for temporary injunction under Order 39 Rule 1 and 2 read with section 151 of the Code of Civil Procedure.

Civil Rule No.419(fm) of 2025 having arisen out of this First Miscellaneous Appeal above appeal and civil rule are heard together and being disposed of by this single judgment.

Facts in short are that the respondent as plaintiff instituted above suit for declaration of title for the ship described in the schedule to the plaint and for a further decree restraining the defendant from transferring above ship alleging that above ship was owned, held and possessed by the defendant who married the plaintiff and out of love and affection he transferred above ship to the plaintiff on 07.11.2021 and delivered possession.

In above suit plaintiff filed a petition under Order 39 Rule 1 of the Code of Civil Procedure, 1908 for an order of temporary injunction alleging that the defendant is making endeavor to transfer above ship by sale and if above ship is transferred to a third party then the existence of above ship will be endangered and multiplicity of suit will arise.

Defendant No.1 contested above petition by filing a written objection alleging that he did not transfer above ship to the plaintiff by gift and above ship is still in the ownership and possession of the defendant.

The learned Joint District allowed above petition and passed an order of temporary injunction restraining the defendant from transferring above ship.

Being aggrieved by and dissatisfied with above judgment and order of the trial court above defendant

as appellant moved to this court and preferred this first miscellaneous appeal and obtained above rule.

Mr. Sasti Sarker learned Advocate for the appellant submits that above ship was in the ownership and possession of the defendant on the date of filing of above petition for injunction. But subsequently defendant has forcibly taken over possession of above ship. The petitioner has filed a petition to the trial court for permission to operate above ship which is pending for decision. The appellant shall not transfer above ship till disposal of the suit and the respondent should also be restrained from transferring above ship and this court may pass a direction upon the trial court to dispose of above suit on merit within a period of 03 (three) months.

On the other hand Mr. Aktaruzzaman learned Advocate for the respondent concedes to above submissions of the learned Advocate for the appellant and submits that the ends of justice will be met and the ship will remain navigable if an order is passed by this court for expeditious disposal of the suit. The respondent shall not transfer above ship till disposal of the suit. This court may pass an appropriate order so that no party seeks any adjournment in the trial court and ensure expeditious disposal of the suit.

We have considered the submissions of the learned Advocates for the respective parties and carefully examined all materials on record.

As mentioned above a river going ship is the subject matter of above suit which was owned, held and possessed by the appellant. Respondent claims that the appellant who is her husband transferred above ship to her by gift and the same is still in her possession. The defendant has admitted by filing a petition under section 151 of the Code of Civil Procedure that above ship is in the possession of the plaintiff. The learned Advocates for the respective parties have frankly conceded that the ends of justice will be met if both the parties refrain from transferring above ship to avoid further complications and delay in the disposal of above suit and above suit is disposed of expeditiously within a period of 06 (six) months. The learned Advocates also assured that they would not seek adjournments during the trial of the suit.

On consideration of above facts and circumstances of the case and submissions of the learned Advocates for respective parties we hold that the ends of justice will be met if both the parties are directed to maintain status-quo as to transfer of above ship till disposal of the suit and the learned Joint District Judge is directed to dispose of above suit on

merit within a period of 06 (six) months from the date of receipt of this order.

Accordingly we are directing that the appellant and respondent both shall maintain status-quo as to transfer of above ship till disposal of above suit and the learned Joint District Judge is directed to dispose of above suit expeditiously within a period of 06 (six) months from the date of receipt of this order.

The First Miscellaneous Appeal and the connecting Civil Rule No.419(fm) of 2025 are accordingly disposed of.

Let a copy of this judgment be transmitted down to the Court concerned at once.

Tamanna Rahman Khalidi, J
I agree.

Md. Kamrul Islam
Assistant Bench Officer