

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

Present:

Mr. Justice Md. Riaz Uddin Khan

Civil Revision No. 3164 of 2013

IN THE MATTER OF :

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

-And-

In the Matter of:

Mst Tohibun Huda

... Plaintiff-Petitioner

Versus

Md Tahmidur Rahman and others

... Defendant-Opposite Parties

None

... For the Parties

Judgment on: 08.09.2026

Md. Riaz Uddin Khan, J:

At the instance of the plaintiff No.1 Rule was issued asking the defendant-opposite party No.1 to show cause as to why the impugned order dated 01.09.2013 passed by the District Judge, Bogra in Miscellaneous Appeal No. 117 of 2013 so far relates to staying operation of the order dated 22.08.2013 passed by the Joint District Judge, First Court, Bogra, in Partition Suit No. 213 of 2013 directing to maintain status-quo in the suit land 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 proper.

At the time of issuance of Rule this Court was pleased to stay operation of the impugned order passed by the District Judge.

Facts in a nutshell for disposal of this Rule are that the present petitioner along with her four

sisters filed a suit for partition being Partition Suit No. 213 of 2013 before the First Court of Joint District Judge, Bogra against her four brothers including the present opposite party No.1. At one stage of the suit the plaintiffs filed an application under Order-XXXIX, Rule-1 read with section 151 of the Code of Civil Procedure for injunction upon the defendant No.3 present opposite party No.1. The defendant No.3 present opposite party No.1 contested the same by filing written objection. After hearing both the parties at length the trial court by his order No. 10 dated 22.08.2013 was pleased to allow the application for temporary injunction against the defendant No.3 directing the parties to maintain status-quo.

Against this order dated 22.08.2013 the defendant No. 3 the present opposite party No.1 filed Miscellaneous Appeal No. 117 of 2013 before the District Judge, Bogra. The District Judge upon hearing at the time of admission of appeal stayed the operation of the order passed by the trial court dated 22.08.2013 by his impugned order dated 01.09.2013.

Being aggrieved by and dissatisfied with the said order of stay dated 01.09.2013 passed by the District Judge the plaintiff No.1 filed the instant Civil Revision before this Court and obtained the Rule and interim order of stay which has been stated at the very outset.

No one appears to press or oppose the Rule when the matter was taken up for hearing.

Admittedly the suit has been filed for partition of the land of late Taleb Ali amongst his heirs and the plaintiffs and the defendants are sisters

and brothers. The trial court found that the defendant No.3 *prima facie* could not place before the court any believable documents of his contention that any portion of the suit land was partitioned by metes and bounds or by amicable settlement earlier. Hence, the trial court directed the defendant No.3 who was admittedly constructing a building on the ejmali property to maintain status-quo. It appears from the order of the court of appeal below that the District Judge stayed the order of status-quo passed by the trial court without assigning any reason. This Court while issued the Rule, stayed the operation of the order passed by the District Judge and directed the court of appeal below to dispose of the Miscellaneous Appeal within November 2013. This order was passed on 06.10.2013. No one appears before this Court to apprise whether the Miscellaneous Appeal was disposed of as ordered by this Court. If in the meantime the Miscellaneous Appeal No.117 of 2013 pending before the District Judge, Bogra is not disposed of in that case it has lost its efficacy as it is only related with the interim order of the trial court to asked the parties of the partition suit who are sisters and brothers to maintain status-quo in relation to the suit land.

There is no information before this Court whether the partition suit itself has been disposed of. Since the order of maintaining status-quo was passed by the trial court on 22.08.2013 and though it was stayed for a brief period by the court of appeal below but that stay order was stayed by this Court on 06.10.2013 for more than 12 years ago.

Be that as it may, in the facts and circumstances in my opinion justice would be met if the trial court is directed to dispose of the partition suit itself expeditiously maintaining the order of status-quo.

In the result this Rule is **dispose of** with the above observations.

The trial court is directed to dispose of the partition suit No. 213 of 2013 expeditiously if meanwhile it has not been disposed of maintaining the order of status-quo in relation to possession and position of the suit land.

Communicate the judgment and order at once.