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

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

CIVIL REVISION NO.1446 OF 2025
In the matter of:
An application under Section 115(1) of the Code of Civil Procedure.
And
Jalal Uddin Ahmed Reza
.... Petitioner
-Versus-
Md. Mizanur Rahman and others
.... Opposite party
None appears
.... For the petitioner.
Mr. Md. Shah Alam, Advocate
.... For the opposite parties.

Heard and Judgment on 02.11.2026

S M Kuddus Zaman, J:

On an application under Section 115(1) of the Code of Civil Procedure this Rule was issued calling upon the opposite party Nos.1-4 to show cause as to why the impugned order dated 27.03.2025 passed by the learned Joint District Judge, 2nd Court, Dhaka in Title Suit No.238 of 2025 rejecting an application for ad-interim injunction filed by the plaintiff-petitioner without considering the matter of urgency should not be illegal and or such other or further order or orders as to this Court may seem fit and proper.

Facts in short are that the petitioner as plaintiff filed above suit for declaration of title for 860 ajutangsa land and for further declaration that the relevant City Survey Khatian is erroneous and not binding upon the plaintiff and for further declaration that registered heba deed dated 09.09.2021 and registered sale deed dated 18.12.2022 are collusive and not binding upon the plaintiff.

In above suit plaintiff filed a petition on 24.03.2025 under Order 39 Rule 1 and 2 of the Code of Civil Procedure for an order of ad-interim and temporary injunction against the defendants and the learned Joint District Judge on hearing the learned Advocate for the plaintiff directed the defendants to show cause within 21 days as to why an order of temporary injunction should not be passed.

Above plaintiff filed a petition under Section 151 of the Code of Civil Procedure, 1908 for an order of ad-interim injunction alleging that the defendants are threatening to dispossess the plaintiff from above land and if no restraining order is passed the defendants would disposes the plaintiff within 21 days.

The learned Joint District Judge on consideration of submissions of the learned Advocate for the plaintiff rejected above petition vide impugned order dated 27.03.2025.

Being aggrieved by and dissatisfied with above judgment and order of the trial Court above plaintiff as petitioner moved to this

Court with this Civil Revisional application under Section 151(1) of the Code of Civil Procedure, 1908 and obtained this Rule.

No one appears on behalf of the petitioner at the time of hearing of the Rule although this matter appeared in the list for hearing on several dates.

Mr. Md. Shah Alam, learned Advocate for opposite party Nos.1-4 submits that the opposite parties acquired disputed land by two registered kabla deeds and on above deeds relevant City Survey Khatian was recorded in the names of the defendants. On correct appreciation of above facts and circumstances of the case and materials on record the learned Joint District Judge rightly rejected the petition under Section 151 of the Code of Civil Procedure, 1908 which calls for no interference.

We have considered the learned Advocate for opposite party Nos.1-4 and carefully examined all materials on record.

As mentioned above the plaintiffs filed a petition under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908 for an order of ad-interim and temporary injunction. The learned Joint District Judge on consideration of submissions of the learned Advocate for the plaintiff and materials on record directed the defendants to show cause within 21 days as to why order of temporary injunction should not be passed. The learned Joint District Judge did not pass

an order of ad-interim injunction against the defendants. The plaintiffs filed a petition under Section 151 of the Code of Civil Procedure, 1908 on 27.03.2025 for passing an order of ad-interim injunction on the basis of above petition for injunction under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908.

A Judge may pass an order of ad-interim inunction after first hearing of a petition under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908 but if the learned Judge does not pass an ad-interim order of injunction on the first date and instead passes an order for issuance of show cause notice upon the defendants which means refusal to pass an order of ad-interim injunction and the learned Judge cannot on any subsequent date pass an order of ad-interim injunction on the basis of above petition for injunction.

As such filing of petition under Section 151 of the Code of Civil Procedure, 1908 by the plaintiffs on 27.03.2025 for an order of ad-interim injunction was totally misconceived. The learned Joint District Judge did not have legal jurisdiction to pass an order of ad-interim injunction on the basis of above petition and on correct appreciation of above position of law the learned Joint District Judge has rightly rejected above petition under Section 151 of the Code of Civil Procedure, 1908 which calls for no interference.

In above view of the facts and circumstances of the case and materials on record we are unable to find any substance in this Civil Revisional application under Section 115(1) of the Code of Civil Procedure, 1908 and the Rule issued in this connection is devoid of any substance and liable to be discharged.

In the result, the Rule is hereby discharged.

The order of status-quo granted at the time of issuance of the Rule is hereby recalled and vacated.

The learned Joint District Judge is directed to dispose of the petition under Order 39 Rule 1 of the Code of Civil Procedure, 1908 filed by the plaintiff expeditiously in accordance with law within one month from the date of receipt of this order.

Tamanna Rahman Khalidi, J:

I agree.

MD. MASUDUR RAHMAN
BENCH OFFICER