

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

Present:-

Mr. Justice Faysal Hasan Arif

Civil Revision No. 3755 of 2011

Mosammat Achia Khatun and others
..... Petitioner

-Versus-

Md. Raisuddin Ahmed and others
..... Opposite-Parties

None appears
..... For the Parties

Judgment on 18.06.2026

This Rule, was issued calling upon opposite parties to show cause as to why the judgment and order dated 31.05.2011 passed by learned Additional District Judge, Sirajganj in Miscellaneous Appeal No. 43 of 2004 dismissing the miscellaneous appeal and thereby affirming the order dated 08.11.2004 by learned Senior Assistant Judge, Sadar, Sirajgonj in Other Suit No. 200 of 2004, granting temporary injunction against the present petitioners in allowing the petition for temporary injunction filed by the opposite parties, should not be set aside.

Fact relevant, for the purpose of disposal of this Rule, are that the opposite party Nos. 1-8, as plaintiffs, instituted Other Suit No. 200 of 2004 before the Sadar Senior Assistant Judge, Sirajgonj, figuring the present petitioners, as defendants, for having a declaration that a heba deed No. 315 of 2004 was forged collusive, void and was not binding against the plaintiffs.

dated filed a suit for permanent injunction against the defendant petitioner. Thereafter, the plaintiffs filed an application for temporary injunction under Order 39 Rule 1 and 2 read with 151 of the Code of Civil Procedure before the trial Court and the petitioner as defendant No. 1 filed written objection against the said application and after hearing learned Senior Assistant Judge, 1st Court Dhaka was allowed the application by order dated 11.01.2018.

After the filing of the suit plaintiffs filed a petition for temporary injunction under Order 39 Rule 1 of the Code of Civil Procedure against defendant Nos. 1, 2 and 4 for restraining them from erection of any huts and shops attached to the two rooms of the plaintiffs and not to change the nature of the suit land and house situated thereon and not to do any damage to the plaintiffs teen-shed shops till the disposal of the suit.

Being aggrieved by order dated 08.11.2004 the defendant petitioner filed Miscellaneous Appeal No. 43 of 2004 before the learned District Judge, Sirajgonj Dhaka and on transfer the appeal was heard by learned Additional District Judge, 2nd Court, Sirajgonj who after hearing dismissed the appeal, affirmed the order of the trial court by judgment and order dated 31.05.2001 against which the defendant filed the instant revisional application and obtained the instant Rule and order of stay.

At the time of hearing, none appears on behalf of the petitioner as well as the opposite parties.

In view of the above, I find no merit in this Rule.

In the result, the Rule is discharged, however, without any order as to costs.

The judgment and decree of the Court of appeal are affirmed.

The order of stay granted at the time of issuance of the Rule stands vacated.

Communicate a copy of this judgment to the court concerned at once.