

Present:

Mr. Justice Sheikh Abdul Awal

and

Mr. Justice Md. Mansur Alam

First Miscellaneous Appeal No. 137 of 2006

In the Matter of:

Memorandum of appeal from the original order.

-and-

In the Matter of:

Court of Wards, Dhaka Nowab Estate, represented by its Manager and others.

.....Plaintiff-appellants.

-Versus-

Nobab Sir Salimullah Welfare Association represented by its Chairman-Khaza Zaki Ahsanullah and secretary General Khaja Nayem Murad and others

.....Defendant-respondents.

Mr. A.K. Rashedul Huq, Advocate

..... For the appellants.

Mr. Khalilur Rahman, Advocate.

.....For the respondent Nos. 1-3.

Heard on 22.10.2024, 31.10.2024 and

Judgment on 10.11.2024.

Sheikh Abdul Awal, J:

This First Miscellaneous Appeal at the instance of the defendant-appellant is directed against the judgment and order

dated 02.02.2005 passed by the learned Joint District Judge, 5th Court, Dhaka in Title Suit No. 130 of 2004 allowing the application for temporary injunction.

Having heard the learned Advocates for both the sides and having gone through memo of appeal and other materials on record including the impugned order dated 02.02.2005 and order of this Court dated 24.05.2005.

On scrutiny of the record, it appears that the appellants preferred this First Miscellaneous Appeal against an order dated 02.02.2005 passed by the learned Joint District Judge, 5th Court, Dhaka directing the parties to maintain status-quo in respect of possession of the suit land. Against the said order of status-quo an application for stay was moved before this Court and this Court upon hearing the same only issued Rule on 24.05.2005. Since no interim order of stay has been passed, the order of the trial Court dated 02.02.2005 is still in force. Meanwhile, 20 years has already been elapsed. On a query from the Court the learned Advocates for the parties submits that the suit is now pending for pre-emptory hearing. In a case of this nature and in the facts and circumstances of the case as revealed from the materials on record, we are of the view that the ends of justice would be best served, if we dispose of this First Miscellaneous Appeal giving a direction to the trial court concerned to hear and dispose of the suit within a reasonable time without giving any time to any of the parties and in the meantime the parties will maintain status-quo in respect possession of the suit land.

Hence, it is ordered that the learned trial judge is directed to hear and dispose of the suit expeditiously as early as possible

preferably within six months from the date of receipt of this judgment in accordance with law without giving any adjournments of the suit and in the meantime the parties are also directed to maintain status-quo in respect of possession of the suit land till the disposal of Title Suit No. 130 of 2004.

The Rule is disposed of in the above manner. There will be no order as to costs.

Since the appeal is disposed of, the connected Rule being Civil Rule No. 361 (FM) of 2005 is also disposed of.

Let a copy of this judgment along with lower Courts' record be sent down to the Courts concerned at once.

Md. Mansur Alam, J:

I agree.