

**Present:**

**Mr. Justice Sheikh Abdul Awal  
and  
Mr. Justice Md. Rafizul Islam**

In the Matter of:

**First Miscellaneous Appeal No. 70 of 2011**

Faruque Ahmed and others  
...Plaintiff-appellants.

-Versus-

Noor Ahmed and others  
.....Defendant-respondents.

Mr. Md. Pervej Chowdhury, Advocate.

..... For the appellants.

Mr. Abdul Momen Chowdhury, Advocate

.... For the Defendant-respondents.

**Hearing on 07.05.2026**

**Judgment on 19.05.2026**

**Sheikh Abdul Awal, J:**

This First Miscellaneous Appeal is directed against the order No. 27 dated 01.02.2011 passed by the learned Joint District Judge, 3<sup>rd</sup> Court, Chattagram in Other Suit No. 405 of 2009 rejecting the application under Order 39, Rule 1&2 read with section 151 of the Code of Civil Procedure and vacated the order of status-quo dated 08.02.2010.

The brief fact relevant for disposal of this appeal is that appellants as plaintiffs filed Other Suit No. 405 of 2009 in the Court of the learned Joint District Judge, 3<sup>rd</sup> Court, Chattagram impleading the respondents as defendants for declaration of title

as well as permanent injunction in respect of the suit land as described in the schedule of the plaint.

After institution of the suit the plaintiff-appellants filed an application under Order XXXIX, Rule 1 and 2 read with section 151 of the Code of Civil Procedure for temporary injunction. The learned Joint District Judge after hearing the plaintiffs by his order dated 09.07.2009 issued show cause notice asking the defendants as to why an order of ad-interim injunction should not be given.

Thereafter, the plaintiffs on 27.08.2009 filed an application under section 151 of the Code of Civil Procedure for temporary injunction. The defendant Nos. 15-16 resisted the injunction matter by filing written objection. In this backdrop, the learned trial Judge by his order dated 08.02.2010 directed the parties to maintain status-quo in the suit land.

Thereafter, the learned Joint District Judge after hearing the parties by his order No. 27 dated 01.02.2011 disposed of the injunction application and vacated the order of status-quo passed on 08.02.2010.

Being aggrieved by the aforesaid impugned order dated 01.02.2011 passed by the learned Joint District Judge, 3<sup>rd</sup> Court, Chattogram the plaintiff-appellants filed this First Miscellaneous Appeal before this Court.

Mr. Md. Pervej Chowdhury, the learned Advocate appearing for the appellants at the very outset admitted that they have no objection if the First Miscellaneous Appeal is disposed of in extending the status-quo order of this Court till disposal of the

suit. He, however, submits that the findings of the trial Court below as to specification of the suit land is not correct inasmuch as the plaintiffs clearly narrated the schedule of the suit land in the plaint.

Mr. Abdul Momen Chowdhury, the learned Advocate for the respondents on the other hand supports the impugned order which was according to him just, correct and proper.

Heard the learned Advocate for both the parties and perused the materials on record including the impugned order.

We have gone through the impugned order together with injunction application, plaint of the suit and other papers and we find that the order of status-quo passed by this Court more than 15 years ago which is still in force and the suit is pending at the peremptory hearing stage. It further appears that both the parties are claiming their respective possession in the suit land. Therefore, 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 by extending the status-quo order of this Court till disposal of the suit 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.

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 06 (six) months from the date of receipt of this judgment in accordance with law without giving any adjournments of the suit and meanwhile the parties are also

directed to maintain status-quo in respect of possession of the suit land till the disposal of the suit.

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

Communicate this order at once.

**Md. Rafizul Islam, J:**

I agree.