

Present:
Mr. Justice Sheikh Abdul Awal
and
Mr. Justice Md. Mansur Alam

First Miscellaneous Appeal No. 15 of 2012
with
Civil Rule No. 856 (F.M.) of 2011

In the Matter of:
Kamala Begum and others
.....Plaintiff-appellants.

-Versus-

Kazi Mohammad Uddin and others
...Defendant-respondents.

Ms. Shamsad Rahman, Advocate for
Mr. Md. Zakir Hossain, Advocate

..... For the plaintiff-appellants.

No one appears

.....For defendant-respondents.

Judgment on 25.02.2025.

Sheikh Abdul Awal, J:

This first appeal at the instance of the plaintiff-appellants is directed against the order dated 28.06.2011 passed by the learned Joint District Judge, 5st Court, Dhaka in Title Suit No. 209 of 2011 rejecting an application for temporary injunction after vacating the order of maintaining status-quo granted on 29.05.2001.

It appears that during pendency of the instant First Miscellaneous Appeal the appellants filed an application for stay and a Division Bench of this Court after hearing by order dated 26.10.2011 issued a Rule calling upon the opposite parties to show cause as to why an order of stay should not be granted and pending hearing of the Rule parties are directed to maintain status-quo in respect of changing the nature and feature of the suit land for a period of 03(three) months and thereafter on 15.07.2012 the said order was extended till disposal of the Appeal.

Ms. Shamsad Rahman, the learned Advocate appearing for the appellants submits that she has no idea about the exact position of the case. She adds that she cannot say anything whether the suit is still pending or not.

No one appears for the respondents.

It is found that the present appellants as plaintiffs filed Title Suit No. 209 of 2011 for partition of the suit land as described in the schedule of the plaint and thereafter, they filed an application for temporary injunction in ejmali property. The learned Joint District Judge rejected the application for temporary injunction and also vacated the order of status-quo by his order dated 28.06.2011.

Considering all these aspects of this case and in view of the submission of the learned Advocate, Ms. Shamsad Rahman, in a suit of this nature we find no flaw in the reasonings of the learned Joint District Judge, 5th Court, Dhaka or any ground to assail the same. The impugned order appears to be well founded in law and facts. No interference, is therefore, called for.

In the result, the appeal is dismissed. The impugned order dated 28.06.2011 passed by the learned Joint District Judge, 5st Court, Dhaka in Title Suit No. 209 of 2011 rejecting an application for temporary injunction is hereby affirmed.

Since the appeal is dismissed the connected Rule being Civil Rule No. 856 (F.M.) of 2011 is discharged.

Let a copy of this judgment be communicated to the Courts concerned at once.

Md. Mansur Alam, J:

I agree.