

District: Dhaka

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

Present:

Mr. Justice Sardar Md. Rashed Jahangir

Civil Revision No. 2926 of 2007

In the matter of :

Dr. Ali Askar Qureshi

...Petitioner

-Versus-

Kamrul Hossain Chowdhury and others

...Opposite-parties

Mr. Md. Tohid Uddin Shepon, Advocate

..... For the petitioner

Heard and Judgment on: 02.01.2024

The Rule was issued calling upon the opposite-parties to show cause as to why the judgment and order dated 07.05.2007 passed by the Joint District Judge, Forth Court, Dhaka in Miscellaneous Appeal No. 436 of 2005 reversing those of dated 18.10.2005 passed by the Assistant Judge, Savar, Dhaka in Title Suit No. 25 of 2005, allowing an application of temporary injunction filed on behalf of the plaintiff under Order XXXIX, rule 1 and 2 of the Code of Civil Procedure should not be set-aside and or such other or further order or orders as to this Court may seem fit and proper.

Mr. Md. Tohid Uddin Shepon, learned Advocate for the petitioner submits that although learned Judge of the trial Court granted temporary

injunction by its order dated 18.10.2005 in Title Suit No. 25 of 2005 but the said order of injunction was reversed by the Court of Appeal below upon setting aside the order of temporary injunction, against which the plaintiff-petitioner moved before this Court and obtained the Rule and order of status-quo and the said order of status-quo has been duly extended till disposal of the Rule.

No one appears to oppose the Rule.

Since the civil revisional application has been arisen from an interlocutory order, arising out of an application for temporary injunction and by the order of this Court, the parties have been directed to maintain status-quo for the last 16 years, i.e. from the date of issuance of the Rule.

In the premise above, this Court is of the view that if the Rule is disposed of with a direction upon the trial Court to hear and dispose of the substantive suit expeditiously, then the justice would be best served.

Accordingly, the Rule is disposed of and the Senior Assistant Judge, Savar, Dhaka is hereby directed to hear and dispose of the Title Suit No. 25 of 2005 as expeditiously as possible, without allowing any unnecessary adjournment, if the same is not otherwise disposed of. In the meantime parties are directed to maintain status-quo in respect of possession and position of the suit property.

No order as to cost.

Communicate the judgment and order at once.