

District-Narail.

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

Present:

Mr. Justice Md. Toufiq Inam

Civil Revision No.595 of 2019.

Mohammad Ullah and another.

----- Defendant-Appellants-Petitioners.

-Versus-

Dulal Chandro Biswas and another.

----- Plaintiff-Respondents-Opposite Parties.

Mr. Ali Ahsan Mullah, Advocate

-----For the Defendant-Appellants-Petitioners.

Mr. Md. Mesbahul Islam Asif, Advocate

----- For the Plaintiff-Respondents-Opposite Parties.

Heard On: 18th Day of August 2025.

And

Judgment Delivered On: 21st Day of August 2025.

Md. Toufiq Inam, J.

Pursuant to this Rule, the opposite parties were called upon to show cause why the impugned judgment and order dated 08.01.2019, passed by the Joint District Judge, 1st Court, Narail in Miscellaneous Appeal No. 12 of 2016, disallowing the appeal and affirming the judgment and order dated 28.06.2016 passed by the Senior Assistant Judge, Sadar, Narail in Suit No. 51 of 2015 allowing temporary injunction, should not be set aside.

The plaintiffs-opposite parties instituted Suit No. 51 of 2015 before the Senior Assistant Judge, Sadar, Narail seeking permanent injunction over Settlement Plot No. 1157 measuring 47 decimals, recorded in 'Ka' schedule under C.S. Khatian No. 1207, originally

owned by Kamol Krishno Mondol. After his death, his heirs continued in possession by constructing houses and planting trees. On 11.06.2015, the petitioners allegedly attempted to dispossess them, leading to the plaintiffs' application for temporary injunction, which was allowed on 28.06.2016.

The defendants-petitioners contested the suit, claiming the property belonged to Guricharon Bosu under C.S. Khatian No. 682, Settlement Plot No. 1159 measuring 81 decimals, and that they had acquired title through registered deeds of 1978 and 2000. They asserted absolute possession, construction of structures, and payment of land development taxes.

During the pendency of the suit, both parties sought local inquiries. The plaintiffs' report noted a temple in Plot No. 1159, while the defendants' report denied its existence. The appellate court held that such contradictions could only be resolved at trial upon examination of the Advocate-Commissioner and were not determinative at the interlocutory stage.

The appellate court also observed that the plaintiffs had lawfully acquired the suit land through purchase and gift prior to the defendants' documents, and that DP Khatian and Government rent receipts supported their possession.

Considering the prima facie case and balance of convenience, it found that the trial court's order granting temporary injunction was justified.

Mr. Bazlur Rashid, learned Advocate for the petitioners, argued that the courts below failed to consider their long possession, construction, mutation, and payment of taxes, which established their prima facie right.

In reply, Mr. Mesbahul Islam Asif, learned Advocate for the plaintiffs, submitted that documentary evidence confirmed their continuous and peaceful possession, and that refusal of temporary injunction would cause irreparable harm.

Upon review, this Court finds that the plaintiffs-opposite parties have been able to establish prima facie possession over the suit land, supported by revenue records and local inspection. Conflicting reports regarding existence of a temple or structures cannot be conclusively decided at this stage and must be determined on evidence at trial. Interim protection is warranted to prevent irreparable harm and to preserve the position until disposal of the suit.

It is, however, clarified that the findings made herein are limited to the issue of temporary injunction and shall not prejudice or influence the trial court in adjudicating the merits of Suit No. 51 of 2015 for permanent injunction. The trial court shall decide the suit independently on evidence and in accordance with law.

Accordingly, the temporary injunction granted by the trial court and affirmed by the appellate court is maintained.

The Rule is discharged.

Let this judgment be communicated to the Court below for information and compliance.

(Justice Md. Toufiq Inam)