

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

Civil Revision No. 5374 of 2023

In the matter of:

Manik Barua and others.
...Petitioners.

-Vs-

Bijoy Mondol and others.
...Opposite parties.
Mr. Mohammad Jamal Uddin, Adv.
...For the petitioners.
Mr. Tapos Bandhu Das, Adv.
...For the opposite party Nos. 1-4.

Heard & Judgment on: **The 27th January, 2025**

Present
Mr. Justice Mamnoon Rahman

In an application under section 115(1) of the Code of Civil Procedure, 1908 rule was issued calling upon the opposite parties to show cause as to why the impugned judgment and order dated 05.07.2023 passed by the learned District Judge, Rangamati in Civil Appeal No. 01 of 2020 allowing the appeal and thereby reversing the judgment and order dated 06.10.2019 passed by the learned Joint District Judge, Rangamati in Civil Suit No. 649 of 2017 allowing the application for temporary injunction to restrain the opposite parties from doing reformatory works over the suit land, should not be set aside and/or pass such other or further order or orders as to this court may seem fit and proper.

I have heard the learned Advocates for the petitioners as well as opposite party Nos. 1-4. I have perused the impugned judgment and order passed by the court below, perused the revisional application, ground taken thereon as well as necessary papers and documents annexed herewith.

On perusal of the same, it transpires that during pendency of the suit the trial court passed an order of injunction on the application of the

petitioners-plaintiffs. However, on appeal the same was set aside by the lower appellate court on basis of the application made by the opposite party-defendants. Against which the petitioners-plaintiffs moved before this court by way of revisional application under section 115(1) of the Code of Civil Procedure, 1908 and obtained the present rule as well as interim order.

However, as both the parties agreed as well as I am of the view that justice would be done if a direction be given upon the court below to hear and dispose of the suit expeditiously, as possible within a fixed period. Accordingly, the court below is directed to hear and dispose of the suit strictly on merit by applying its independent and judicial mind within 30th June, 2025 without fail and without giving any adjournment to the parties. In the meantime, the parties are directed to maintain status-quo in respect of possession and position of the suit property till disposal of the suit by the court below.

With this observation and direction, the instant rule is disposed of. Communicate the order at once.

(Mamnoon Rahman,J:)