

Present:
Mr. Justice Md. Salim

CIVIL REVISION NO.3821 OF 2016

Md. Abdul Gofur Mia being died his
heirs-
Md. Habibur Rahman Riad and others
..... *Defendant-Petitioners.*

-VERSUS-

Shefali Begum and others.
.....*Plaintiff-Opposite parties.*

No one appears
----- *For the petitioners.*

*Mr. Abul Kalam Chowdhury, Senior
Advocate with
Mr. Iqbal Kalam Chowdhury and
Mr. A.K.M. Mahidul Islam, Advocates*
----- *For the opposite party Nos.1(a)-1(f).*

Heard on 21.11.2024 and 05.12.2024

Judgment on 17.12.2024

By this Rule, the opposite parties were called upon to show cause as to why the impugned judgment and order dated 02.10.2016 passed by the learned Additional District Judge, 1st Court, Noakhali in Civil Revision No.17 of 2016, disallowing the civil revision and affirming the order dated 03.03.2016 passed by the learned Assistant Judge, 1st Additional Court, Sadar, Noakhali in Title Suit No.179 of 2004 allowing an application for addition as co-plaintiffs should not be set aside.

Facts necessary for the disposal of the Rule are that the opposite parties 4-12 as plaintiffs instituted Title Suit No.179 of 2004 before the Senior Assistant Judge, Sadar, Noakhali praying for a declaration that 3(three) sale deeds dated 14.10.1981, 14.01.1982 and 24.05.1982 in favor of the defendant No.1 and the petitioners as described in schedule 'ka' of the plaint are forged, fraudulent, ineffective and void.

During the pendency of the suit, on 08.02.2016, the opposite parties 1-3 filed an application under Order I, Rule 10 of the Code of Civil Procedure for adding co-plaintiffs in the suit.

Subsequently, the learned Assistant Judge, 1st Additional Court, Sadar, Noakhali, by the judgment and order dated 03.03.2013, allowed the application, adding the opposite parties 1-3 as plaintiffs in the suit.

Being aggrieved, the plaintiff-petitioners Nos. 10-12 preferred Civil Revision No.17 of 2016 before District Judge Noakhali. Eventually, the learned Additional District Judge, 1st Court, Noakhali, by the judgment and order dated 02.10.2010, rejected the Civil Revision and affirmed those passed by the trial Court.

Being aggrieved, the above plaintiff-petitioners filed the present Civil Revision before this Court under section 115(4) of the Code of Civil Procedure and obtained the instant Rule with an order of stay, which was extended from time to time.

I have anxiously considered the submission inserted in the Civil Revisional Application by the petitioner and the submission made by the learned advocate for the opposite parties, pursued the impugned judgment, the application under Order I Rule 10 of the Code of Civil Procedure, and the other materials on record.

It manifests from the records that opposite parties 1-3 filed an application under Order I Rule 10 of the Code of Civil Procedure for the addition of party as co-plaintiffs on the plea that they have purchased 51 decimals of the land of the suit-land from the plaintiffs 1, 2, 4, 5, 7, 8 by a registration deed No.11451 dated 06.10.2013. Therefore, they have acquired a right to the suit property by the above deed. It also admitted that the deed was obtained during the pendency of the suit. However, it manifests that *lis pendens* does not make the deed invalid, only that the deed is subject to the result of the suit. Moreover, if the original plaintiff does not contest the suit, the subject matter may not prosecute the suit, adversely affecting the rights of the new recipients of the suit land.

In view of the above, it reveals that the applicant-opposite parties have accrued a right to be impleaded as co-plaintiffs in the suit either under the provisions Order 22 Rule 10 of the Code of Civil Procedure or under the provisions Order 1 Rule 10 of the Code of Civil Procedure as they are necessary parties in the suit.

Considering the above facts and circumstances of the case, it appears that the trial court and the Revisional Court below correctly and justifiedly considered the matter in allowing the application for the addition of parties of the opposite parties 1-3 as co-plaintiffs. I, therefore, do not find any merit in the Rule.

Resultantly, the Rule is discharged with cost.

The order of stay passed by this Court at the time of issuance of Rule stands vacated.

Communicate this judgment at once.

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(Md. Salim, J).