

**In the Supreme Court of Bangladesh**  
**High Court Division**  
(Civil Revisional Jurisdiction)

**Present:-**

**Mr. Justice Md. Zakir Hossain**

**Civil Revision No. 4522 of 1999**

Reyerpur Bazar Paul Samity Trust represented  
by its Chairman, Sree Bishwanath Paul

... Defendant-Petitioner

-Versus-

Md. Akhter Hossain being dead his legal heirs  
Mst. Sahara Khatun and others

... Plaintiff-Opposite Parties

Mr. Subrata Chaowdhury, Senior Advocate

.....for the petitioner

None appears

.....for the opposite parties

**Heard on: 08.05.2024**

**Judgment on: 09.05.2024**

At the instance of the petitioner, the *Rule* was issued on  
28.11.1999 by this Court with the following terms:

*“Let a Rule be issued calling upon the opposite parties Nos. 1 to 21 to show cause as to why the judgment and order dated 24.05.1999 passed by the subordinate Judge and Artha Rin Adalat No.4, Dhaka in Title Suit No. 443 of 1992 rejecting the petition should not be set aside and or pass such other order or further order or orders as to this Court may seem fit and proper.”*

Facts leading to the issuance of the Rule *inter alia* are that the opposite party Nos. 1-21 being plaintiffs instituted the Title Suit No. 273 of 1982 before the Court of the learned Subordinate Judge and Artha Rin Adalat No. 2, Dhaka and later on the suit was renumbered as Title Suit No. 443 of 1992 for declaration of title in respect of the land as mentioned in the schedule to the plaint. During the pendency of the aforesaid Title Suits the petitioner filed an application to be added as defendant. Upon hearing, the learned Joint District Judge was pleased to reject the petition to be added as defendant. Impugning the said judgment and order of the learned Joint District Judge, the petitioner moved this Court and obtained the Rule and stay therewith.

None appears to oppose the Rule

Heard the submission advanced by the learned Advocate for the petitioner and perused the materials on record with due care and attention and seriousness as it deserve. The convoluted question of law involved in this Case has been meticulously waded through in order to reach a just decision.

It appears from the record that the learned Joint District Judge without assigning any reason with a stroke a pen was pleased to reject the petition to be added as defendant. On perusal of the application and other materials on record, it transpires that Sree Biswanath Paul son of Sree Shashanka Paul is a president of Akhra Mandir of Sree Sree Maha Prabhu, 111/1, Sultangonj, Rayer Bazar, Dhaka-1209. Therefore, he is a

necessary party. For final and complete adjudication of the dispute, the presence of the petitioner is essential, therefore, he is a necessary party consequently, I find substance in the Rule and the Rule deserves to be made absolute.

In the result, the Rule is made absolute, however, without passing any order as to costs. The order of stay granted earlier by this Court thus stand recalled and vacated.

The judgment and order passed by the learned Joint District Judge is hereby set aside. The application to be added as defendant is allowed. It transpires from the record the original suit started its journey in the year 1982. In the meantime, more than 41 years have been elapsed. In the above backdrop, the learned Joint District Judge is directed to dispose of the original suit within 6(six) months positively fixing consecutive dates for hearing. No unnecessary adjournment from the either side shall be entertained.

Let a copy of this judgment be transmitted to the Court below at once for compliance or the order of this Court.

(Justice Md. Zakir Hossain)