

Present:
Mr. Justice Sheikh Abdul Awal
and
Mr. Justice Md. Mansur Alam

First Miscellaneous Appeal No. 156 of 2003

In the Matter of:

Sayed Abdur Rahman Mir
.....Petitioner-appellant.

-Versus-

Md. Humayun Kabir
.....Opposite party-respondent.

No one appears

..... For the petitioner-appellant.

No one appears

.....For opposite party-respondent.

Judgment on 10.03.2025.

Sheikh Abdul Awal, J:

This First Miscellaneous Appeal at the instance of appellant, Sayed Abdur Rahman Mir is directed against the judgment and order dated 23.05.2002 passed by the learned District Judge, Comilla in permission case No. 03 of 2002 refusing the prayer to sell 18 decimals of land.

No one appears to press the Appeal on repeated calls.

In this case, the record of the case has not been called for.

In view of the fact that this petty old case arising out of an order has been dragging before this Court over a period of 22 years, we are inclined to dispose of it on merit.

On scrutiny of the record, it appears that the present appellant as petitioner file permission case No. 03 of 2002 in the Court of learned District Judge, Comilla and the learned District Judge by the impugned order dated 23.05.2002 disallowed the permission case holding that- “পারমিশন মামলার ছদ্মাবরণে সম্পত্তির জটিল সত্ত্বের বিষয়াবলী নিষ্পত্তি করা সমীচীন নহে। বরং ঐ ব্যাপারে স্বত্ব ও বন্টন সংক্রান্ত যথাযথ মামলা উপযুক্ত আদালতে দায়ের ক্রমে নিষ্পত্তি হওয়া বাঞ্ছনীয়।”

This order certainly indicates that the learned District Judge considered all aspects of the matter and thereafter, recorded the order of rejection. The reasoning given by the learned District Judge appears to us to be proper and sound and we, do not find any reason to differ from it. No interference, is therefore, called for.

In the result, the appeal is dismissed without any order as to costs.

Let a copy of this judgment be communicated to the Court Concerned at once.

Md. Mansur Alam, J:

I agree.