District-Jamalpur.

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION,

(CIVIL REVISIONAL JURISDICTION)

Present:

Mr. Justice Md. Toufiq Inam

Civil Revision No. 3666 of 2019.

Md. Mojibor Rahman.
----- Plaintiff-Opposite-Party-Petitioner.
-Versus-
Md. Jahir Uddin and others.
----- Defendant-Opposite Parties.

Mr. Amon Ferdous with
Mr. Siddartha Shankar Debnath, Advocates.
----- For the Plaintiff-Opposite-Party-Petitioner.

Mr. Hasinur Rahman, Advocate.
-----For the Defendants-Opposite Parties.

Heard On: 10.08.2025
And
Judgment Delivered On: 11.08.2025.

Md. Toufiq Inam, J.

This Rule was issued calling upon the opposite parties to show cause as to why the impugned judgment and order dated 18.03.2018 passed by the learned District Judge, Jamalpur, in Civil Revision No. 14 of 2016, allowing the application and thereby reversing the judgment and order dated 17.07.2016 passed by the learned Assistant Judge, Bakshigonj, Jamalpur, in Other Class Suit No. 29 of 2015 rejecting the application for addition of party as defendant, should not be set aside and/or why such other or further order or orders should not be passed as to this Court may seem fit and proper.

The petitioner, as plaintiff, instituted Other Class Suit No. 29 of 2015 before the Court of learned Assistant Judge, Bakshigonj, Jamalpur, seeking correction of the BRS Dag number in BRS Khatian, wherein Dag No. 13353 had been mistakenly recorded instead of Dag No. 13356, as per registered kabala deed No. 647 dated 12.02.1997.

Subsequently, one Md. Ashraf Ali, son of late Asor Sheikh, as a third party, filed an application under Order I, Rule 10 read with section 151 of the Code of Civil Procedure, praying to be added as a defendant in the suit.

Upon hearing the parties, the trial Court rejected the said application, holding that the applicant was not a party to the disputed transaction and therefore had no locus standi to be impleaded as a necessary party to the suit.

Aggrieved, the said applicant preferred Civil Revision No. 14 of 2016 before the learned District Judge, Jamalpur. The learned District Judge, by the impugned judgment and order, allowed the revision and directed his addition as defendant in the suit. The revision Court observed that, if the suit were decreed as prayed for, it might affect the applicant’s interest and could also lead to multiplicity of proceedings. The Court further held that disposal of the suit in the presence of the applicant would not prejudice the plaintiff’s case.

Having heard the learned Advocates for both sides and upon perusal of the application and the impugned judgment and order, it appears that the subject matter of the suit is confined to correction of the Dag number in a registered kabala deed. The interest claimed by the applicant is not one that flows directly from or is inseparably linked to the relief sought in the plaint; nonetheless, his presence in the proceeding, as observed by the revision Court, may assist in avoiding multiplicity of suits and in effecting a comprehensive adjudication. Addition of a party under Order I, Rule 10 CPC is essentially procedural, intended to secure complete and effective determination of the real questions in controversy. The lower revision Court, in exercising its discretion to allow such addition, has not committed any error of law or acted without jurisdiction warranting interference in revision.

This Court, sitting in revisional jurisdiction, finds no illegality, material irregularity, or impropriety in the impugned judgment and order of the appellate Court. Accordingly, the Rule fails.

The Rule is discharged.

The impugned judgment and order of the learned District Judge is hereby affirmed.

The defendants are directed to file their written statement, if they so desire, without delay. The trial Court shall thereafter proceed to dispose of the suit expeditiously, preferably within six months, and shall avoid granting unreasonable adjournments.

Let a copy of this order be communicated to the Court below at once for information and compliance.

(**Justice Md. Toufiq Inam)**

Sayed.BO.