

Bench:

Mr. Justice Md. Ruhul Quddus

Civil Revision Number 2916 of 1994

Asgar Ali and others

...Petitioners

-Versus-

Sahabuddin and others

... Opposite parties

No one appears for either party

Judgment on 23.01.2025

This rule was issued on an application under Section 115 of the Code of Civil Procedure challenging the judgment and decree dated 07.05.1994 passed by the Subordinate Judge (now Joint District Judge), Munshiganj in Title Appeal Number 7 of 1991 dismissing the same on affirming those dated 27.11.1990 passed by the Assistant Judge, Munshiganj in Title Suit Number 25 of 1987 decreeing the suit.

This rule was fixed for hearing by order dated 24.10.2024 and was called on for hearing on 04.12.2024, but no one for either party appeared. However, for ends of justice, this court passed an order for placing the matter in the daily cause list with name of the learned advocate for the petitioner. Accordingly, it has been appearing in the daily cause list with his name. Today it is again called on for

hearing, but no one appears. Since this is an old matter of 1994, it is taken up for disposal in absence of the parties.

Facts relevant for disposal of the rule are that the opposite parties number 1-6 and another as plaintiffs instituted Title Suit Number 25 of 1987 in the Court of Assistant Judge, Munshiganj for declaration of title over the land as described in the schedule of the plaint with a prayer for perpetual injunction restraining the defendants number 1-8 (petitioners herein) from entering into the suit land and from disturbing his peaceful possession and enjoyment thereof, and also for recovery of possession of a portion of the suit land.

The defendants number 1 to 8 contested the suit by filing a written statement denying the material allegations of the plaint and claiming their title and possession over a portion of the land.

The Government being defendant number 9 also contested the suit by filing another written statement denying the plaintiffs' case and claiming the suit land to be riverine land belonged to the Government and cross-examining the plaintiff's witnesses, but did not examine any witness or produce any document.

The trial court framed issues and proceeded with trial, in course of which both the private parties recorded/adduced their evidences to prove their respective cases. After conclusion of trial, the trial court considered the evidences, made discussions thereon

and decreed the suit by judgment and decree dated 27.11.1990 (decree signed on 29.11.1990). Being aggrieved, the defendant-petitioners preferred Title Appeal Number 7 of 1991 in the Court of District Judge, Munshiganj. The Subordinate Judge ultimately heard the appeal and dismissed the same by the impugned judgment and decree giving rise to the instant civil revision.

I have gone through the records including the judgments of the courts below and considered the grounds taken in the revisional application. The court of appeal below independently considered the evidence and arrived at concurrent finding of facts with the trial court. I do not find any error of law resulting in an error in the impugned judgment and decree occasioning failure of justice. Therefore, I do not find any merit in the rule.

Accordingly, the rule is discharged.

Send down the records.