

Bench:

Mr. Justice Md. Ruhul Quddus

Civil Revision Number 4258 of 1994

Sarwar Matbar and two others

...Petitioners

-Versus-

Razzaque Howlader and five others

... Opposite Parties

No one appears for either party

Judgment delivered on 07.05.2025

This rule was issued on an application under Section 115 of the Code of Civil Procedure challenging the judgment and decree dated 15.06.1994 passed by the Additional District Judge, Madaripur in Title Appeal Number 50 of 1990 dismissing the same on affirming those dated 26.05.1990 passed by the Senior Assistant Judge, Madaripur, Sadar in Title Appeal Number 353 of 1983 decreeing the suit.

This rule was fixed for hearing by order dated 24.10.2024 and was called on for hearing on 13.03.2025, but no one for the petitioner 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. Since then it has been appearing in the daily cause list with his name. Today it is again called on for hearing, but no one for either party appears. Since this

is an old matter of 1994, it is taken up for disposal in absence of the parties.

Opposite parties number 1-3 as plaintiffs instituted the suit for declaration of title and confirmation of possession over 68 decimals of land as described in the schedule of the plaint with further declaration that the decree dated 08.11.1983 passed in Title Suit Number 203 of 1979 was null and void.

The defendants number 1-3 contested the suit by filing a written statement denying the material allegations of the plaint contending, *inter alia*, that the scheduled land of the present suit and that of the previous suit was not the same. The decree in Title Suit Number 203 of 1979 was rightly passed.

On the aforesaid pleadings, the trial court framed issues and proceeded with trial, in course of which both parties gave evidences in order to prove their respective cases.

After conclusion of trial, the trial court considered the evidences, made discussions thereon and passed its judgment and decree dated 26.05.1990 decreeing the suit. Being aggrieved, defendants number 1-3 preferred the title appeal in the Court of District Judge, Madaripur on the grounds as taken in the memo of appeal. Learned Additional District Judge, Madaripur ultimately heard the appeal and dismissed the same by the impugned judgment and decree giving rise to the instant civil revision.

I have considered the grounds taken in the revisional application and gone through the judgments of the courts below. It appears that the lower appellate court independently assessed the evidence and dismissed the appeal on concurrent findings of facts. I do not find any error of law resulting in an error in the decision occasioning failure of justice. The rule thus merits no consideration.

Accordingly, the rule is discharged.

Send down the lower courts' records.