Present:
Mr. Justice Sheikh Abdul Awal
and
Mr. Justice A.K.M. Rabiul Hassan

Civil Revision No. 960 of 2020

In the Matter of:

Md. Muksud Ullah Patwary and others
.....Plaintiff-petitioners.
-Versus-
Habibur Rahman and others
….. Defendant-opposite parties.

Mr. Mohammad Jahedul Alam Chowdhury,
Advocate with
Mr. Md. Momin Ullah Patwary, Advocate
….For the petitioners

Mr. Nasir Uddin Ahmed (Ashim), Advocate with
Mr. Shaleh Akram, Advocate
…..For the opposite parties.

Judgment on 08.11.2026

Sheikh Abdul Awal, J:

This Rule was issued calling upon the opposite parties to show cause as to why the impugned judgment and order dated 24.02.2020 passed by the learned Joint District Judge, 2nd Court, Gazipur in Civil Suit No. 17 of 2012 rejecting an application filed by the plaintiff petitioners, now pending in the Court of the learned Joint District Judge, 2nd Court, Gazipur should not be set aside and/or pass such other or further order or orders as to this Court may seem fit and proper.

Mr. Md. Jahedul Alam Chowdhury, the learned Advocate appearing for the plaintiff petitioners submits that the suit being Civil

Suit No. 17 of 2012 and Civil Suit No. 41 of 2015 are in between the same parties relating to the same schedule land and if the trial of both the suits are being held simultaneously both the parties will be benefited although the trial Court below without assigning any cogent reason whatsoever rejected the application for hearing of both the suits simultaneously while granted 2 other applications- one is for amendment of plaint and another one is for recalling DW-1, in the present suit. Finally the learned Advocate submits that unless the application is allowed for simultaneous hearing of both the suits the parties will suffer irreparable loss and injury.

Mr. Nasir Uddin Ahmed Ashim, the learned Advocate appearing for the opposite parties at the very outset concedes the submission of the learned Advocate, Mr. Md. Jahedul Alam Chowdhury for the opposite parties and submits that the defendant-respondents will have no objection, if the Rule is made absolute.

Having heard the learned Advocates for both the sides and having gone through the materials on record including impugned order.

It is found from the record that the parties on several dates filed 3 applications being No.1. an application for amendment of plaint, 2. an application for recalling D.W-1. in the present suit and 3, an application for simultaneous hearing of both the suits being Civil Suit No. 17 of 2012 and Civil Suit No. 41 of 2015.

The trial Court upon hearing the parties by order dated24.02.2020 allowed 2 applications namely an application for amendment of plaint, 2. an application for recalling D.W-1. in the present suit while rejecting the simultaneous hearing of both the suits being Civil Suit No. 17 of 2012 and Civil Suit No. 41 of 2015.

On a query from the Court, the learned Advocates for both the sides submit in one voice that since the parties are same in both the

suits and the suit property is relating to the same schedule land and in that view of the matter both the parties will be benefited, if the trial of both the suits be held simultaneously.

On going through the materials on record, it appears that parties of both the suits are same and land in question of both the suits are out of same schedule and the Suits being Civil Suit No. 17 of 2012 is for declaration of title and Civil Suit No. 41 of 2015 is for cancellation of instruments.

Considering all these aspects of the case, we are of the view that the trial Court ought to have allowed the application for hearing both the suits simultaneously in failing to do so committed an error of law resulting in an error in the impugned decision occasioning failure of justice.

In view of our above discussions made in the foregoing paragraphs it is by now clear that the instant Rule must succeed.

In the result, the Rule is made absolute. The impugned order dated 24.02.2020 is set-aside. The trial of the suits being Civil Suit No.17 of 2012 and 41 of 2015 will be held simultaneously in accordance with law.

Since the matter is old one of 2012, the trial Court concerned is directed to proceed with both the suits expeditiously in accordance with law.

Communicate this order at once to the Court concerned.

A.K.M. Rabiul Hassan, J:

I agree.