

**In the Supreme Court of Bangladesh**  
**High Court Division**  
(Civil Revisional Jurisdiction)

**Present:-**

**Mr. Justice Md. Zakir Hossain**

**Civil Revision No. 862 of 2024**

Amena Khatun

... Plaintiff-Petitioner

-Versus-

S.M. Fazlul Haque and another

... Defendant-Opposite Parties

Mr. Ashok Kumar Banik

..... for the petitioner

Mr. Md. Azizul Bashir, Advocate

..... for the opposite parties

**Heard on 05.06.2024**

**Judgment on: 01.07.2024**

At the instance of the Plaintiff-Petitioner, the *Rule* was issued by this Court with the following terms:

*“Let a Rule be issued calling upon the opposite party No. 1 to show cause as to why the impugned order dated 15.11.2023 passed by the learned District Judge, Chattogram in Civil Miscellaneous Case No. 316 of 2023 rejecting the application under section 24 of the Code of Civil Procedure for transferring the Other Suit No. 354 of 2012 for the learned Joint District Judge, 1<sup>st</sup> Court, Chattogram to any other Court Chattogram should not be set aside and/or such other or further order or orders passed as to this Court may seem fit and proper.”*

The facts leading to the issuance of the Rule are *inter alia* that the petitioner being plaintiff of the Other Suit No. 354 of 2012 filed an application under section 24 of the Code of Civil Procedure, 1908 (the CPC) for withdrawing the said suit from the Court of the learned Joint District Judge, 1<sup>st</sup> Court, Chattogram and to transfer any other competent Court having jurisdiction to try the same. Upon hearing, the learned District Judge, Chattogram rejected the same. Challenging the legality and propriety of the said order, the petitioner moved this Court and obtained the Rule and stay therewith.

Heard the submissions advanced by the learned Advocates of the petitioner and the opposite parties at length and perused the materials on record with due care and attention and seriousness as they deserve. The convoluted question of law embroiled in this Case has meticulously been waded through in order to reach a just decision.

Having regards to the facts and circumstances of the case, it appears that the suit started its journey in the year, 2012. In the meantime, more than 11 years have been elapsed. The learned Judge annoyed with the plaintiff-petitioner for delaying the disposal of the suit and therefore, the plaintiff-petitioner has apprehended that she will not

get justice in the aforesaid Court. The apprehension is absolutely unfounded. The plaintiff-petitioner filled the aforesaid suit for declaration of title and other relief but she did not take positive step to get the suit disposed of rather adopting different devices to prolong the litigation. The learned Senior District Judge rightly rejected the Miscellaneous Case and therefore, the same does not warrant for any interference, and as such, the Rule shall fall flat.

In the result, the Rule is discharged, however, without passing any order as to costs. The earlier order of *stay* granted by this Court thus stands recalled and vacated.

Let a copy of this judgment be transmitted to the Courts below at once.

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**(Justice Md. Zakir Hossain)**