

District-Chattogram

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CIVIL REVISIONAL JURISDICTION)

Present:

Mr. Justice Md. Khairul Alam

Civil Revision No. _____ of 2025

Mohd. Abul Kashem

..... -Petitioner.

-Versus-

Most. Anowara Begum and others.

..... Opposite parties.

Mr. Touhin Hasan, Advocate

..... For the petitioners.

Order dated 31.07.2025.

This application at instant of plaintiff petitioner, Md. Mohd. Abul Kashem has been filed under section 115(1) of the Code of Civil Procedure challenging the order dated 12.09.2024 passed by the Joint District Judge, Patiya, Chattogram in Other Class Appeal No. 26 of 2011 dismissing the appeal for default and thereby affirming the judgment and decree dated 22.11.2010 (decree signed on 25.11.2010) passed by the learned Senior Assistant Judge, Court No.1, Patiya, Chattogram in Other Class Suit No. 153 of 2006 dismissing the suit.

Mr. Touhin Hasan the learned Advocate appearing for the petitioner submits that the petitioner filed the suit for confirmation of possession. The suit was dismissed and the petitioner preferred Other Class Appeal No. 26 of 2011. On 12.09.2024, date was fixed for hearing of the appeal and on that day the petitioner filed an application for adjournment. The learned Joint District Judge, Patiya, Chattogram rejected the said application and on that day the appeal was dismissed for default. Then the petitioner filed an application under Order XLI rule

19 of the Code of Civil Procedure for re-admission of the appeal. Accordingly, Restoration Miscellaneous Case No. 02 of 2025 was initiated and by the order dated 13.01.2025 the Restoration Miscellaneous Case was dismissed summarily. The petitioner inadvertently filed this revisional application challenging the order dated 12.09.2024 without preferring any appeal against the order dated 13.01.2025 passed in Restoration Miscellaneous Case and prays for a necessary order.

Consider the said submission of the learned Advocate I am the view that the revisional application is not in form.

Therefore, the same is rejected summarily as being not in form.

The learned Advocate is permitted to take back the certified copy.

Communicate this order to the court concerned at once.