

District: Dhaka

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

Present:-

Mr. Justice Md. Zakir Hossain

Civil Revision No. 1203 of 2023

Kodbanu Bibi and others

.....Plaintiff-Respondent-Petitioners

-Versus-

Hazi Md. Alauddin and others

..... Defendant-Appellant-Opposite Parties

Mr. M.A. Kader Molla, Advocate

..... For the petitioners

Mrs. Jobaida Pervin, Advocate

....For the opposite party Nos. 1-8

Heard on: 08.08.2023

Judgment on: 07.11.2023

Md. Zakir Hossain, J:

At the instance of the petitioners, the Rule was issued by this Court with the following issues:

“Records of the case need not be called for.

Let a Rule be issued calling upon the opposite party Nos. 1-8 to show cause as to why the judgment and order dated 12.01.2023 passed by the Additional District Judge, Second Court, Dhaka in Title Appeal No. 177 of 2018 (arising out of Title Suit No. 524 of 2017) rejecting an application praying for stay further proceeding of Title Appeal No. 177 of 2018 & Title Appeal No. 09 of 2019 till disposal of Civil Petition for Leave to Appeal (CPLA) No. 1608 of 2021 pending in the Honourable Appellate Division of the Supreme Court of Bangladesh shall not be set aside and/or

such other or further order or orders passed as to this Court may seem fit and proper.”

Facts leading to the issuance of the Rule are *inter alia* that the plaintiff-respondent-petitioners filed an application for adjournment of the Title Appeal No. 177 of 2018 and Title Appeal No. 09 of 2019 till disposal of the Civil Petition for Leave to Appeal (CPLA) No. 1608 of 2021 pending before the Appellate Division of the Supreme Court of Bangladesh. Upon hearing, the learned Additional District Judge, Second Court, Dhaka was pleased to reject the petition. Impugning the judgment and order of the learned Additional District Judge, the petitioners moved this Court and obtained the aforesaid Rule and stay therewith.

Heard the submissions advanced by the learned Advocates of the parties 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.

Considering the complicated question of facts and law and the chequered history of the case, the further proceedings of the hearing of the Title Appeal No. 177 of 2018 and Title Appeal No. 09 of 2019 be stayed for a period of 06 (six) months. In the meantime, the petitioners shall take necessary step to get the Civil Petition for Leave to Appeal (CPLA) No. 1608 of 2021 disposed of. If within the stipulated time, the petitioners fail to get the Civil Petition for Leave to Appeal (CPLA) No. 1608 of 2021 disposed of or fail to obtain any stay order from the

Appellate Division, the learned Additional District Judge, Second Court, Dhaka shall proceed in accordance with law.

With the above observation and direction, the Rule is disposed of. The earlier order of stay granted by this Court shall stand vacated by lapse of the period as mentioned above.

Let a copy of this judgment be sent down to the courts below at once.

(Md. Zakir Hossain, J)

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