

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

Present:

Mr. Justice Zafar Ahmed

Civil Revision No. 896 of 2023

Dr. S.M.M. Hasan and others

....Petitioners

-Versus-

Muhammad Kutub Uddin Chowdhury and others

....Opposite parties

Mr. Md. Helal Uddin, with

Ms. Sajeda Begum, Advocates

....For the petitioners

Mr. Julfikar Ali Bhuttu, Advocate

....For the opposite party No. 1

Heard and Judgment on: 19.01.2026

In the instant revisional application filed under Section 115 of the Code of Civil Procedure (CPC) at the instance of the plaintiff petitioners, this Court on 16.03.2023 granted leave and issued a Rule calling upon the plaintiff-opposite party Nos. 1 and 2 to show cause as to why the judgment and order dated 14.12.2022 passed by the learned Senior District Judge, Chattogram in Civil Revision No. 38 of 2022 dismissing the civil revision and thereby affirming the order dated 28.02.2022 passed by the learned Senior Assistant Judge, 1st Court, Chattogram in Other Suit No. 141 of 2018 should not be set aside.

Heard the learned Advocates of both sides and perused the materials on record.

The petitioners as plaintiffs filed the other suit praying for, *inter alia*, declaration of title in the suit land mentioned in the schedule of the plaint and confirmation of possession, further declaration that seven registered sale deeds are illegal, null and void and not binding upon the plaintiffs and for permanent injunction.

During pendency of the suit, the plaintiffs filed an application under Order VI, rule 17 of the CPC for amendment of plaint. The proposed amendments included the valuation of the suit mentioned in the cause title of the plaint, striking out the name of the plaintiff No. 2 and adding Additional District Commissioner (Revenue), Chattogram and Sub-registrar, Rangunia Sub-Registry Office, Rangunia, Chattogram as defendant Nos. 24 and 25 respectively and other spelling and typographical errors in the plaint and in the schedule, amendment of the prayer portion by inserting a new prayer to the effect that B.S. Mutation Khatian No. 5084 prepared in the name of the defendant No. 1 is wrong and null and void, and to delete the word “decimal” after the figure 3.21 and to insert of the word “acre” after 3.21 and to amend the valuation given in the schedule accordingly.

It appears from the records that the contesting defendants did not file any written objection against the said application for amendment of plaint. The trial Court heard the parties and rejected the

application for amendment of plaint assigning the sole reason that the application was filed for delaying the suit. The revisional Court below rejected the revision and upheld the order of the trial Court holding that the proposed amendment would change the nature and the character of the suit and that the said amendment would cause further delay in disposal of the suit.

In my view, the proposed amendments are based on documents which are subject to proof during the trial. Therefore, those shall not change the nature and character of the suit rather those are necessary for the purpose of determining the real questions in controversy between the parties. Accordingly, I find merit in the Rule.

In the result, the Rule is made absolute. The impugned judgment and order passed by the revisional Court below is set aside. The application for amendment of the plaint is allowed.