

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

CIVIL REVISION No. 6334 OF 2023

In the matter of:

Pritam Mukharjee and others.
...Petitioners.

-Vs-

Present
Mr. Justice Mamnoon Rahman

Sree Sree Radhamadhab Jeur Mandir represented by the
Secretary of Village-Kalaskathi, Police Station-
Bakerganj, District-Barishal and another.
...Opposite parties.

Mr. Mintu Kumar Mondal, Adv.
...For the petitioners.
Ms. Chowdhury Nasima, Adv.
...For the opposite party.

Heard & Judgment on: **The 4th June, 2024**

In an application under section 115(1) of the Code of Civil Procedure, 1908 rule was issued calling upon the opposite party No. 1 to show cause as to why the order No. 8 dated 08.11.2023 passed by the learned District Judge, Barishal in Miscellaneous Case No. 27 of 2023 withdrawing the Title Appeal No. 96 of 2020 from the court of the learned Additional District Judge, 1st Court, Barishal and transferring the same to the Jananirapatta Bighnakari Aporadh Daman Tribunal, Barishal for disposal of the appeal should not be set aside and the Title Appeal No. 96 of 2020 should not be withdrawn from the court of Jananirapatta Bighnakari Aporadh Daman Tribunal, Barishal and should not be transferred to any other court and/or pass such other or further order or orders as to this court may seem fit and proper.

The learned Advocate for the opposite party at the very outset submits that considering the delay in the disposal of the Title Appeal being No. 96 of 2020 she has no objection if the Title Appeal be transferred to any other court for quick disposal.

The learned Advocate for the petitioner concedes to the prayer.

I have heard the learned Advocates for the petitioner as well as opposite party. I have perused the impugned judgment and order passed by the court below, rule issuing order, revisional application, grounds taken thereon as well as necessary papers and documents annexed herewith.

Considering the facts and circumstances, I am inclined to transfer the case to any other court only considering the quick disposal of the appeal. Accordingly, let the Title Appeal being No. 96 of 2020 be withdrawn from the court of Jananirapatta Bighnakari Aporadh Daman Tribunal, Barishal and be transferred to the court of learned District Judge, Barishal forthwith. The court below is directed to hear and dispose of the same strictly on merit by applying its independent and judicial mind expeditiously, as possible, not later than 3(three) months from the date of receipt of the instant order without fail and without giving any adjournment to the parties. However, this order shall not affect the disposal of the appeal on merit.

With this observation and direction, the instant rule is disposed of.

The office is directed to communicate the judgment and order to the concerned court blow, at once.

(Mamnoon Rahman,J:)