

**District-Bhola.****IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(CIVIL REVISIONAL JURISDICTION)****Present:****Mr. Justice Md. Toufiq Inam****Civil Revision No. 4012 of 2023.**

Abul Kalam Pondit.

---- Plaintiff-Petitioner.

-Versus-

Md. Farid Uddin Bhuiyan and others.

---- Defendant-Opposite Parties.

None appears.

---- For the Plaintiff-Petitioner.

Mr. Md. Salim Raza, Advocate

----For the Defendant-Opposite Parties.

Heard On: 23.10.2025.And**Judgment Delivered On: 01.12.2025.****Md. Toufiq Inam, J.**

By this Rule the opposite parties were called upon to show cause as to why the judgment and order dated 26.06.2023 passed by the learned Senior District Judge, Bhola in Civil Miscellaneous Case No. 87 of 2022 rejecting the Miscellaneous Case filed by the plaintiff-petitioner under Section 24 of the Code of Civil Procedure for transferring Title Suit No. 380 of 2021 from the Court of the learned Senior Assistant Judge, Charfashion, Bhola to any other Senior Assistant Judge's Court within Bhola having jurisdiction to try the same, should not be set aside.

The petitioner instituted Title Suit No. 380 of 2021 on 09.09.2021 before the learned Senior Assistant Judge, Charfashion, Bhola seeking a decree

for permanent injunction in respect of a 10-decimal parcel of land. The plaintiff claims title and possession through a Saf Kabla deed dated 11.01.2021 and subsequent mutation, and alleges that the defendants threatened dispossession on 06.09.2021. The plaintiff also obtained a status-quo direction from the learned Senior Assistant Judge on 19.09.2021 in proceedings under Order XXXIX Rules 1 & 2.

The petitioner, apprehending that he would not receive impartial justice because of alleged close association between the learned Senior Assistant Judge and certain local persons connected to the defendants (notably the Upazila Chairman), sought transfer of the suit under Section 24 of the Code of Civil Procedure. It was pleaded that the defendants had “managed” the learned Senior Assistant Judge and that, on 01.11.2022, they were observed loitering in front of the Judge’s private chamber, conduct which the petitioner claims gave rise to a reasonable apprehension of bias. The learned District Judge, Bhola heard the transfer petition and, after calling for explanation from the trial Court and considering the record, rejected the petition by order dated 26.06.2023. Aggrieved, the petitioner obtained this Rule in revision.

Although the matter has appeared in the daily cause list of this court for several days with the name of the learned Advocate for the petitioner, none has appeared to press the Rule. In contrast, learned Advocate Mr. Md. Salim Raza for the opposite-party defendants remained present and vigilant. The matter nevertheless warrants merit consideration.

In the revisional application the petitioner reiterates that, due to the alleged personal connection between the Upazila Chairman and the learned Senior Assistant Judge, Charfashion, Bhola, there is every likelihood of prejudice against him. He asserts that the defendants threatened him by claiming to have already “managed” the learned Senior Assistant Judge to secure a favourable judgment and that they intend to dispossess him with the help of the Court’s order. These, according to the petitioner, create a genuine apprehension that he will be denied natural justice, which ought to have compelled the learned District Judge to transfer the suit to another competent Court.

It is further asserted that Section 24 of the Code of Civil Procedure empowers the learned District Judge to withdraw a case at any stage, either on his own motion or on an application by any party, for ensuring ends of justice. The petitioner therefore contends that the learned District Judge acted illegally and arbitrarily in rejecting the transfer petition despite circumstances demonstrating a reasonable apprehension of bias. The petitioner also contends that the order of status quo passed by the learned Senior Assistant Judge has hampered his development work on the property, which according to him reflects hostile judicial conduct amounting to prejudice. For these reasons, he argues that if the suit remains before the learned Senior Assistant Judge, Charfashion, he will suffer serious injustice and be deprived of natural justice.

On the contrary, Mr. Md. Salim Raza, learned Advocate for the defendants, opposes the petition and contends that the allegations of bias are speculative and unsubstantiated. He submits that mere social acquaintance or presence of persons near a judge's private chamber does not, without more, found a reasonable apprehension of bias; that no communication between the defendants and the Judge has been shown; and that the status-quo order itself demonstrates judicial impartiality. Learned counsel also emphasized that the petitioner failed to produce any contemporaneous evidence (for example video footage), despite the ready availability of mobile phones capable of recording such movements.

The legal test for transfer under Section 24 is well-settled. The District Judge, exercising his discretion, must be satisfied that withdrawal and transfer are necessary for ensuring ends of justice- for example, where there is a real and substantiated apprehension of bias, or where trial before the original Court would cause grave inconvenience or frustrate justice. The power under Section 24 is to be exercised sparingly and only on cogent material which demonstrates that justice cannot be done in the Court where the suit is pending. Unsupported, speculative, or after-thought allegations do not suffice.

On a careful scrutiny of the record and the material placed before this Court, the following salient facts are apparent. The petitioner's claim of bias rests principally on two types of assertion: (i) the alleged social

proximity between the learned Senior Assistant Judge and the Upazila Chairman; and (ii) the petitioner's allegation that on 01.11.2022 the defendants were seen near the Judge's private chamber thereby giving rise to a belief that the Judge could be influenced. There is no allegation, nor any evidence, that the defendants entered the Judge's chamber, communicated with the Judge, or participated in any private meeting with the judicial officer. The petitioner did not produce contemporaneous material proof of the alleged loitering or any record of impermissible communication. In short, the petition is bereft of objective evidence demonstrating any undue influence or partiality.

It is relevant to observe that the learned Senior Assistant Judge had, at the stage of application for temporary relief, caused notice to issue and passed an order directing maintenance of status quo, a neutral order intended to preserve the subject matter pending adjudication. A status-quo order granted after hearing the parties ordinarily indicates that the Judge has applied his mind to the competing contentions and has acted within the scope of judicial duty; it does not, without more, indicate prejudice. The petitioner's allegation that the status-quo direction itself is evidence of bias is therefore unsustainable.

Where, as here, the petitioner has failed to establish any concrete or probative evidence of bias and the challenged Judge has now been transferred in the ordinary course, withdrawal and re-transfer of the suit become unnecessary and would amount to an exercise in futility.

Transfer under Section 24 is discretionary and directed to securing the ends of justice; it is neither designed nor intended to provide relief where the original complaint lacked substance.

Furthermore, the petitioner's own conduct weakens his case. The record shows that the petitioner did not produce available contemporaneous evidence (for example, video recording) of the alleged conduct before the Judge's chamber, nor did he press for immediate emergency action upon witnessing the alleged events. The petitioner also previously sought and obtained a status-quo order, yet thereafter pursued transfer on grounds that were not supported by objective evidence. The earlier failure to produce or to press available evidence and the reliance on hearsay and conjecture undermine the credibility of the petition.

A suit cannot be transferred under Section 24 of the Code of Civil Procedure unless the applicant establishes by clear, cogent and objectively verifiable material that a real, reasonable and well-founded apprehension of bias exists in the mind of a prudent litigant. Mere suspicion, conjecture, social proximity, vague allegations of influence, or unsubstantiated assertions of threats cannot constitute legal grounds for transfer. A Court's discretionary power to withdraw and reassign a suit is to be exercised sparingly, only when justice demonstrably cannot be secured before the forum where the suit is pending.

For all the above reasons the learned District Judge's conclusion that the petition lacked credible material and hence did not merit transfer is legally sound and factually justified. The District Judge applied the correct legal test, afforded opportunity for explanation and review, considered the absence of cogent evidence and the practical effect of the subsequent administrative posting, and exercised his discretion in a manner consistent with the statutory purpose of Section 24. There is, therefore, no warrant for interference in revision.

In the result, this Court finds no merit in the petition for revision.

The Rule is therefore discharged.

The judgment and order dated 26.06.2023 passed by the learned Senior District Judge, Bhola in Civil Miscellaneous Case No. 87 of 2022 is hereby affirmed and maintained.

There shall be no order as to costs.

The interim order, if any, granted in the course of these proceedings is recalled and vacated.

Let a copy of this judgment be transmitted to the learned District Judge, Bhola and to the learned Senior Assistant Judge, Charfashion, Bhola for information and necessary action.

**(Justice Md. Toufiq Inam)**