

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

Present:  
**Mr. Justice Md. Khairul Alam**

**Civil Revision No. 5388 of 2023.**

Mokles and others.

..... -Petitioners.

-Vs-

Hazi Md. Rafiqul Islam and others.

..... -Opposite parties.

Mr. Manir Hossain with

Mr. Md. Abdus Sabur Khan, Advocates.

..... For the petitioners.

Mr. Muhammad Anjarul Hasan with

Mr. Mohammad Abul Kashem Bhuiyan, Advocates.

..... For the opposite  
parties.

**Heard on 22.05.2025 and**  
**Judgment on: 01.06.2025.**

This Rule was issued calling upon the opposite party No. 1 to show cause as to why the judgment and order dated 10.08.2023 passed by the learned District Judge, Munshiganj in Civil Revision No. 29 of 2019 allowing the revisional application by reversing the order dated 17.10.2019 passed by the learned Assistant Judge, Louhajong, Munshiganj in Title Suit No. 375 of 2017 allowing the application for calling a Balam book should not be set aside.

Relevant facts for the disposal of the Rule are that present opposite party No.1 as the plaintiff filed Title Suit No. 375 of 2017 in the Court of Senior Assistant Judge, Louhajong, Munshigonj impleading the present petitioners as defendants praying for permanent injunction in respect of the suit property stating, inter alia, that one Shahed Ali sold 53 decimals of land to Sagor Ali vide a registered deed bearing No. 12815 dated 26.11.1943 and they are

the descendant of Sagor Ali. The defendants contested the suit by filing a written statement denying the material allegations made in the plaint contending, inter alia, that Shahed Ali sold the property by the impugned deed to Nager Ali. During the trial, both the parties exhibited the certified copy of their respective deeds.

In the said suit, the plaintiff filed an application for calling the Balam book of deed No. 12815 dated 26.11.1943 stating, inter alia, that the vendor of deed No. 12815 dated 26.11.1943 is Shahed Ali and the vendee is Sagor Ali and they are the descendant of Sagor Ali. During the liberation war, they lost the original deed, so they filed a certified copy of the said deed. The defendants also adduced a certified copy of the deed which shows that the vendee of the deed is Nager Ali. Therefore to remove the confusion and to ascertain the real vendee the Balam book of the deed is required to be called for. The learned Assistant Judge, Louhagonj, Munshigonj allowed the application by the order dated 12.11.2015.

Against the said order, the plaintiffs filed Civil Revision No. 29 of 2019 before the Court of District Judge, Munshigonj. The learned District Judge, Munshigonj after hearing the parties by the judgment and order dated 10.08.2023 allowed the revisional application and thereby reversed the judgment and order passed by the trial court.

Being aggrieved thereby, the petitioner preferred this revisional application and obtained the Rule and an order of stay.

Mr. Md. Manir Hossain, the learned Advocate appearing for the petitioner reiterates the contention of the application filed before the trial Court and submits that the trial court rightly allowed the application but the revisional court below on misconception of the

facts and law reversed the same and thereby committed an error of law resulting in an error in the decision occasioning failure of justice which required to be interfered.

Per contra, Mr. Muhammad Anjarul Hasan, the learned Advocate appearing for the opposite parties placing a counter affidavit submits that the issue regarding Nagor Ali and Sagor Ali in respect of Sub-Kabala deed No. 12815 dated 26.11.1943 has already been finally adjudicated and settled between the parties in Title Suit No. 432 of 2021 after calling and examining the Balam book of the deed and taking evidence of a court officer. Therefore, the revisional court below rightly passed the impugned judgment and order and he prays for discharging the rule.

Heard the learned Advocates of the contending parties and perused the revisional application and affidavit in opposition of the opposite party No.1, including the impugned order.

It appears that the present opposite party No.1 filed a suit for permanent injunction impleading the present petitioner as defendant stating inter alia that their predecessor Sagor Ali purchased the suit land from Shahed Ali vide deed No. 12815 dated 26.11.1943. The defendants have been contesting the suit by filing written statements denying the material averments made in the plaint contending inter alia that by the impugned deed the suit land was transferred in favor of Nagor Ali. During the trial, the certified copy of the respective deeds were exhibited. After examination of the witnesses, the plaintiff filed an application for calling the Balam book of the deed. The application was allowed but in revision, the same was reversed.

The opposite party by filing a counter affidavit annexed the certified copy of the judgment and decree passed in Title Suit No. 432 of 2021 which were exhibited as Annexure “Ka” and “Kha” respectively. From the said annexure it appears that one Basiron Nesa, daughter of Nagor Ali instituted the suit. In the said suit the Balam book of the impugned deed was called for and examined by the Court and the issue of Sagar Ali and Nagor Ali was finally adjudicated. Since the issue raised by the petitioner has already been settled in the said suit between the parties, therefore, the court is barred under the law to adjudicate the said issue between the same parties in the present suit. Therefore the revisional Court below rightly passed the impugned judgement and order.

Hence, I do not find any scope to interfere with the judgment and order passed by the revisional court and do not find any merit in the rule.

In the result, this Rule is discharged, however, there is no order as to costs.

The order of stay passed at the time of issuance of the Rule is hereby recalled and vacated.

Communicate a copy of this judgment and order at once.

Kashem, B.O