

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

Civil Revision No. 6046 of 2023

In the matter of:

Shajada Syed Saifuddin Ahmed.
...Petitioner.

-Vs-

Present
Mr. Justice Mamnoon Rahman

Syeda Sayma Ahmed and others.
...Opposite parties.

Mr. Md. Taufiq Sajawar, Adv.
...For the petitioner.

Mr. Abdus Salam Mamun, Adv.
...For the opposite party Nos. 1-3.

The 6th March, 2024

This is an application for discharging the rule filed by the opposite party-applicant Nos. 1-3.

I have heard the learned Advocates for the petitioner as well as opposite party Nos. 1-3. I have perused the instant application, grounds taken thereon, revisional application, impugned judgment and order passed by both the courts below as well as necessary papers and documents annexed herewith.

On perusal of the same, it transpires that in an application under section 115(1) of the Code of Civil Procedure, 1908 this court issued rule on 12.11.2023 in the following terms;

Let a rule be issued calling upon the opposite parties to show cause as to why the impugned judgment and order dated 06.07.2023 passed by the learned Senior District Judge, District Judge Adalat, Chattogram in Civil Revision No. 259 of 2022 arising out of Other Suit No. 413 of 2020 rejecting the application and affirming the order dated

05.07.2022 passed by Joint District Judge, 2nd Court, Sadar, Chattogram in Other Suit No. 413 of 2020, should not be set aside and/or pass such other or further order or orders as to this court may seem fit and proper.

It transpires that the petitioner filed an application under section 10 read with section 151 of the Code of Civil Procedure, 1908 for staying the subsequent suit till disposal of the earlier suit. However, it transpires that both the courts below rejected the prayer of the present petitioner.

The learned Advocate for the opposite party at the very outset submits that since the main grievances and the claim of the petitioner is that both the suits should be heard either analogously or simultaneously in one court enabling the court below to adjudicate the real question in controversy in an appropriate manner the opposite party has no objection if an order is being passed for simultaneous/analogous hearing of both the suits in one court.

On perusal of the papers and documents, it transpires that Other Class Suit No. 413 of 2020 is now pending in the court of Joint District Judge, 2nd Court, Chattogram while the Other Class Suit No. 11 of 2020 (arising out of Other Class Suit No. 344 of 2011) is being pending in the court of Joint District Judge, Paribesh Adalat, Chattogram.

In such circumstances, I am of the view that justice would be done if both the suits be heard and disposed of by the court of Joint District Judge, Paribesh Adalat, Chattogram simultaneously from their respective stages. As such, Other Class Suit No. 413 of 2020 be withdrawn from

the court of Joint District Judge, 2nd Court, Chattogram and be transferred to the court of Joint District Judge, Paribesh Adalat, Chattogram. The said court is directed to hear and dispose of the suits being Other Class Suit No. 413 of 2020 and Other Class Suit No. 11 of 2020 (arising out of Other Class Suit No. 344 of 2011) simultaneously from the present stage strictly on merit by applying its independent and judicial mind within 6(six) months from the date of receipt of the instant order without fail. The interim order passed at the time of issuance of rule is hereby vacated.

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 below at once.

(Mamnoon Rahman,J:)