

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

Civil Miscellaneous No. 07 of 2024

With

Civil Miscellaneous No. 08 of 2024

With

Civil Miscellaneous No. 09 of 2024

And

Civil Miscellaneous No. 10 of 2024

In the matter of:

An application under section 24 of the Code of Civil Procedure, 1908.

And

In the matter of:

Murad Ali Shmsuddin

...Plaintiff-Petitioner.

-Vs-

Mohammad Ali Howlader
and others.

...Opposite parties.

Mr. Abdul Wadud Bhuiyan, Sr. Adv. with
Mr. Fahad Mahmood Khan, Adv.

...For the petitioner

Mr. Feroz Alam, Adv.

...For the opposite parties

Heard on: 28.04.2024

And

Judgment on: The 30th May, 2024

All the rules were heard together and now disposed of by a common judgment as they do involve in similar questions of facts and law as well as the parties are same.

In Civil Miscellaneous Case No. 07 of 2024 the petitioner obtained rule from this court on 10.03.2024 which runs as follows;

“Rule was issued calling upon the opposite party to show cause as to why the Money Suit No. 3 of 2024 pending before the 1st

Present
Mr. Justice Mamnoon Rahman

Joint District Judge, Dhaka should not be transferred to any other Joint District Judge under any District Court of Bangladesh for trial and/or pass such other or further order or orders as to this court may seem fit and proper”.

In Civil Miscellaneous No. 08 of 2024 the petitioner obtained rule from this court on 10.03.2024 which runs as follows;

“Rule was issued calling upon the opposite party to show cause as to why the Title Suit No. 399 of 2022 pending before the 4th Senior Assistant Judge, Dhaka should not be transferred to any other Joint District Judge under any District Court of Bangladesh for trial and/or pass such other or further order or orders as to this court may seem fit and proper”.

In Civil Miscellaneous No. 09 of 2024 the petitioner obtained rule from this court on 10.03.2024 which runs as follows;

“Rule was issued calling upon the opposite party to show cause as to why the Bari Bhara Suit No. 15 of 2022 pending before the 4th Senior Assistant Judge, Dhaka should not be transferred to any other Senior Assistant Judge and Bari Bhara Niontrok Adalat under any District Court of Bangladesh for trial and/or pass such other or further order or orders as to this court may seem fit and proper”.

In Civil Miscellaneous No. 10 of 2024 the petitioner obtained rule from this court on 10.03.2024 which runs as follows;

“Rule was issued calling upon the opposite party to show cause as to why the Rent Appeal No. 34 of 2023 pending before the District Judge, Dhaka should not be transferred to any other Court of District Judge for trial and/or pass such other or further order or orders as to this court may seem fit and proper”.

I have heard the learned Advocates for the petitioner as well as opposite parties. I have perused the civil miscellaneous cases, grounds taken thereon, as well as necessary papers and documents annexed herewith.

On perusal of the same, it transpires that the suits are pending in different courts under the territorial jurisdiction of Dhaka. It has been vigorously argued that one of the party is a staff and employee of the court and also office bearer of the association and he is creating serious pressure and threat upon the present petitioner. It further transpires that the petitioner in the applications categorically stated the reasons for invoking the jurisdiction of section 24 of the Code of Civil Procedure, 1908. On perusal of the applications, especially in Paragraphs as well as grounds that there is specific apprehension by the petitioner in not getting fair justice as the opposite party being a employee of the court he can take in different devices.

Considering the facts and circumstances, I am of the view that justice would be done if the cases be transferred to a nearby district for speedy disposal. As such, Money Suit No. 3 of 2024 in Civil Miscellaneous Case No. 07 of 2024 be withdrawn from the 1st Joint District Judge, Dhaka and transferred to 1st Joint District Judge, Gazipur. Bari Bhara Suit No. 15 of

2022 in Civil Miscellaneous Case No. 9 of 2024 and Title Suit No. 399 of 2022 in Civil Miscellaneous Case No. 8 of 2024 be withdrawn from the 4th Senior Assistant Judge and Bari Bhara Niontrok Adalat, Dhaka and be transferred to Senior Assistant Judge, 1st Court, Gazipur and the courts below are directed to hear and dispose of the suits expeditiously, as possible not late than 6(six) months from the date of receipt of the instant order without fail.

However, since the Rent Appeal No. 34 of 2023 in Civil Miscellaneous Case No. 10 of 2024 is pending before the learned District Judge, Dhaka I am of the view that justice would be best served if a direction be given upon the said Judge to hear and dispose of the same expeditiously, as possible. Accordingly, the learned District Judge, Dhaka is directed to hear and dispose of the Rent Appeal being No. 34 of 2023 expeditiously as possible not later than 6(six) months from the date of receipt of the instant order without fail.

With this observation and direction as above all the rules are disposed of. Communicate the judgment and order to the concerned court below at once.

(Mamnoon Rahman,J:)