

Present:
Mr. Justice Md. Shohrowardi
Civil Revision No. 2271 of 2024
Moslem Gazi and others....Petitioners
-Versus-
Md. Ismail and others....Opposite parties
Ms. Zubaida Gulshan Ara, Advocate
....For the petitioners
Mr. Mohammad Eunus, Advocate
....For the opposite Nos. 1 to 21
Heard on 01.07.2026
Judgment delivered on 08.07.2026

On an application under section 115(4) of the Code of Civil Procedure, 1908 Rule was issued calling upon the opposite party Nos. 1 to 21 to show cause as to why the impugned judgment and order dated 02.05.2024 passed by the District Judge, Bhola in Civil Revision No. 118 of 2024 affirming the order dated 21.03.2024 passed by the Senior Assistant Judge, Sadar, Bhola rejecting the applications filed by the petitioners dated 21.03.2024 under Order XXI Rule 15 of the Code of Civil Procedure, 1908 for interrogation and withdrawn the suit from the stage of hearing shall not be set aside and/or such other or further order or orders passed as to this Court may seem fit and proper.

Learned Advocate Ms. Zubaida Gulshan Ara, appearing on behalf of the petitioners, having placed the revisional application, submits that in the written statement filed by the defendant Nos. 1 to 9, 11 to 17 and 20 to 22 asserted that the suit suffers from defect of parties. Therefore, the defendants are required to answer the interrogations filed by the plaintiffs, and the Courts below illegally passed the impugned judgments and orders. She prayed for making the Rule absolute.

Learned Advocate Mr. Mohammad Eunus, appearing on behalf of the opposite Nos. 1 to 21, conceded that at the time of trial and argument of the case, he would not raise the issue of maintainability on the ground of defect of parties. Therefore, there is no necessity to dispose of the issue of interrogation. He prayed for discharging the Rule.

Heard the learned Advocates of both parties, perused the revisional application and the records.

On perusal of the orders passed by the Courts below, reveals that both the Courts below found that all the necessary parties were impleaded in the suit. The learned Advocate Mr. Mohammad Eunus appearing on behalf of the opposite parties also conceded that he will not press the issue regarding defect of parties in the trial. Therefore, I am of the view that no cause of action regarding defect of parties is subsisting and the suit should be disposed of expeditiously.

In view of the above findings and observations, the Rule is disposed of.

The trial Court is directed to dispose of the suit positively within 6(six) months from the date of receipt of this order.

The ad-interim order of stay granted at the time of issuance of the Rule is hereby vacated.