

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

Present:

Mr. Justice S M Kuddus Zaman

CIVIL REVISION NO.3615 OF 2024

In the matter of:

An application under Section 115(4) of the Code of Civil Procedure.

And

Md. Rowshon Ali and others

.... Petitioners

-Versus-

Md. Abdus Salam and others

.... Opposite parties

Mr. Ashikur Rahman, Advocate

.... For the petitioners.

Mr. Md. Humayun Kabir, Advocate

.... For the opposite party

Nos.1 and 2.

Heard and Judgment on 30.06.2025

This Rule was issued calling upon the opposite parties to show cause as to why the impugned judgment and order dated 08.04.2024 passed by the learned District Judge, Bogura in Civil Revision No.01 of 2024 summarily dismissing the revision and thereby affirming the judgment and order dated 20.11.2023 passed by the learned Joint District Judge, 1st Court, Bogura in Other Class Title Suit No.166 of 2020 should not be set aside and/or other or further order or orders as to this Court may seem fit and proper.

Facts in short are that the petitioners as plaintiffs instituted Other Class Suit No.166 of 2020 against the Mayor of Bogura Pourashava for declaration of title for 925 ajutangsha land alleging that the plaintiffs acquired above land by purchase by registered kabla deed dated 15.08.1993. In above suit opposite party Nos.1 and 2 submitted a petition under Order 1 Rule 10 of the Code of Civil Procedure for being added as defendants and the learned Joint District Judge allowed above petition.

Being aggrieved by above judgment and order of the trial Court above plaintiffs and petitioners preferred Civil Revision No.1 of 2024 to the learned District Judge, Bogura who rejected above Civil Revision and affirmed the judgment and order of the trial Court.

Being aggrieved by above judgment and order of the Court of Revision below above petitioners as petitioners moved to this Court with this Civil Revisional application under Section 115(4) of the Code of Civil Procedure and obtained leave and this Rule.

Mr. Ashikur Rahman, learned Advocate for the petitioners submits that opposite party Nos.1 and 2 do not have any right, title, interest and possession in above disputed land but the learned Judges of both the Courts below have failed to appreciate above materials on record and the learned District Judge most illegally rejected the Civil Revision and affirmed the unlawful judgment and order of the trial

Court for addition of above opposite parties as defendants in above suit which is not tenable in law.

On the other hand Mr. Md. Humayun Kabir, learned Advocate for opposite party Nos.1-2 submits that the defendants are neighbor of the plaintiffs and they are using the disputed land as pathway for passage the public road from their dwelling house for a long period of time which has created right of easement. Above defendants filed Title Suit No.197 of 2018 for declaration of easement right in above land of the Government before filing of this suit. As such opposite party Nos.1 and 2 have very valuable right in above land. On consideration of above materials on record the learned Judge of the trial Court added the defendants in above suit and the learned District Judge rightly rejected above Civil Revision of the petitioner which calls for no interference.

I have considered the submissions of the learned Advocates for the respective parties and carefully examined all materials on record.

It turns out from the plaint that the petitioners have impleaded the Mayor of Bogura Pourashave as the sole defendant of above suit for declaration of title for disputed $7\frac{1}{2}$ feet land.

At Paragraph No.8 of the plaint the plaintiff has admitted that opposite party Nos.1 and 2 and others as plaintiffs have filed Title Suit No.197 of 2018 for declaration of easement right for above land before filing of above suit.

On consideration of above admission of the plaintiff and facts and circumstances of the case I hold that opposite party Nos.1 and 2 are necessary parties in above suit and the learned Judge of the trial Court rightly allowed the petition of opposite party Nos.1 and 2 for being added as defendants and the learned District Judge on correct appreciation of above materials on record rightly dismissed the Civil Revision and affirmed above order of the trial Court which calls for no interference.

In above view of the materials on record I am unable to find any substance in this Civil Revisional application under Section 115(4) of the Code of Civil Procedure and the Rule issued in this connection is liable to be discharged.

In the result, the Rule is hereby discharged. The order of stay granted at the time of issuance of the Rule is vacated.

However, there will be no order as to costs.

MD. MASUDUR RAHMAN
BENCH OFFICER.