

IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(CIVIL REVISIONAL JURISDICTION)

**Civil Revision No. 1742 of 1990**

**In the matter of:**

**Present**  
Mr. Justice Mamnoon Rahman

Md. Alauddin Dhali and others.  
...Petitioner.

-Vs-

Md. Sadek Ali and others.  
...Opposite parties.

None appears for the opposite parties.

**The 6<sup>th</sup> January, 2025**

In an application for modification of the substitution as well as under section 152 of the Code of Civil Procedure, 1908 rule was issued in the following terms;

*“Let a rule be issued calling upon the opposite parties No. 38 to 41(c) to show cause as to why the mistake in substituting opposite party Nos. 41(a) to 41(c) as heirs of deceased opposite party No. 42 Subhadra Bewa alias Shabha Rani widow of late Pagal Chandra Mondal alias Hari Mohan Mondal alias Hara Mohan Mondal should not be rectified by bringing opposite party Nos. 38 to 41(c) on the record as heirs of the aforesaid deceased opposite party No. 42 in place of opposite party Nos. 41(a) to 41(c) on the record or such other or further order or orders passed as to this court may seem fit and proper”.*

No one appears on behalf of the parties when the matter is called on for hearing.

I have perused the application for modification/correction and grounds taken thereon.

On perusal of the same, it appears that there was a *bonafide* mistake. As such, I find substance in the instant rule. Accordingly, the rule is made absolute. The application for correction/modification so far it relates to substitution is allowed and the opposite party Nos. 38 to 41 (C) as heirs of deceased opposite party No. 42 be replaced in place of opposite party Nos. 41(a) to 41(c).

(Mamnoon Rahman,J:)