

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

Present:

Mr. Justice Zafar Ahmed

Civil Miscellaneous Case No. 28 of 2024

Momotaz Begum Rotna

...Petitioner

-Versus-

Zahanara Begum and others

...Opposite parties

Mr. Md. Mainul Islam, with
Mr. Robiul Hasan, Advocates

...For the petitioner

Mr. Md. Asad Miah, Advocate

...For the opposite party Nos. 1-3, 5-7

Heard on: 20.01.2025

Judgment on: 26.01.2025

By this application filed under Section 24 of the Code of Civil Procedure (CPC), the sole plaintiff has prayed for withdrawing the partition suit being Title Suit No. 259 of 2021 (Chhatak) from the Court of Senior Assistant Judge, Chhatak, Sunamgonj and to transfer the same to any other Court for disposal. This Court issued a Rule on 03.12.2024.

Defendant-opposite party Nos. 1-3, 5-7 have entered appearance in the Rule.

The learned Advocate appearing for the contesting opposite parties does not oppose the Rule. The learned Advocates of both sides

submits that the parties to the suit have settled the matter amicably out of Court and submitted solenama before the Court and witnesses have been examined in support of the solenama but the Court concern has been delaying in passing necessary order. Therefore, in order to expedite the disposal of the suit, the same is required to be transferred to the Court of Senior Assistant Judge, Sadar, Sunamgonj.

In view of the submission of the learned Advocates of both sides, the Rule is made absolute. Title Suit No. 259 of 2021, now pending in the Court of Senior Assistant Judge, Chhatak, Sunamgonj is withdrawn and is transferred to the Court of Senior Assistant Judge, Sadar, Sunamgonj for disposal.

The application for correction filed on behalf of the petitioner is allowed. Office is directed to amend to the cause title and prayer portion of the civil miscellaneous application accordingly.