

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

**Present:**

**Mr. Justice Md. Bashir Ullah**

**CIVIL REVISION NO. 3378 OF 2024**

**IN THE MATTER OF:**

An application under Section 115(1) of the Code of Civil Procedure.

And

**IN THE MATTER OF:**

Md. Mustaque Hossain

... Defendant No. 33-Appellant-Petitioner.

-Vs-

Syed Azizul Hussain being died his legal heirs  
Syada Somti Begum @ Monwara Begum and others  
... Plaintiffs-Respondents-Opposite Parties.

Mr. Didar Alam Kollol, Advocate

... For the petitioner.

**Heard and Judgment delivered on: 15.12.2025.**

**Md. Bashir Ullah,J.**

At the instance of defendant no. 33 in Title Suit No. 47 of 1997, this Rule was issued calling upon the opposite party nos. 1-24 to show cause as to why the judgment and decree dated 30.04.2024 passed by the learned Divisional Special Judge, Sylhet in Title Appeal No. 273 of 1999 (analogously heard with Title Appeal No. 221 of 1999 and Title Appeal No. 249 of 1999) dismissing the said appeals and affirming the judgment and decree dated 20.07.1999 passed by the

learned Senior Assistant Judge, Additional Court, Sadar, Sylhet in the above-mentioned suit should not be set aside and/or such other or further order or orders be passed as to this Court may seem fit and proper.

At the time of issuance of the Rule the operation of the judgment and decree dated 30.04.2024 passed by the learned Divisional Special Judge, Sylhet in Title Appeal No. 273 of 1999 was stayed for a period of 06(six) months, which was subsequently extended from time to time and lastly extended on 13.02.2025 till disposal of the Rule.

The facts, relevant for disposal of the Rule, in short, are that the predecessor-in-interest of the present opposite party nos. 1-22 as plaintiffs instituted Title Suit No. 10 of 1980 in the then learned Subordinate Judge, 2<sup>nd</sup> Court, Sylhet (now Joint District Judge) impleading the present petitioner and others as defendants seeking partition of the suit land. The said suit was subsequently renumbered as Title Suit No. 47 of 1997.

Defendant nos. 1, 4-6, 16-25, 27-29, 30, 34 and 35 contested the suit by filing separate written statements denying the materials allegations made in the plaint.

Upon hearing the parties, the learned Senior Assistant Judge, Additional Court, Sadar, Sylhet decreed the suit on contest against defendant nos. 1, 4 to 6, 16-25 kha, 27-29, 30, 34 and 35 and *ex parte*

against the rest on 20.07.1999. The trial court allotted the plaintiffs to a saham to 1.153055 acres of land equivalent to eight annas five gondas share, the defendant nos. 16 to 25 were allotted 0.24829 acres, the defendant nos. 27 to 29 were allotted 0.274822 acres of land and the defendant no. 35 was allotted 0.28375 acres of land as sahams out of the suit properties.

Against the said judgment and decree, defendant no. 33 along with 02 others, as appellants filed Title Appeal No. 273 of 1999, Title Appeal No. 221 of 1999 and Title Appeal No. 249 of 1999 before the learned District Judge, Sylhet. Subsequently, upon transfer the learned Divisional Special Judge, (District and Sessions Judge), Sylhet upon hearing the parties dismissed the said appeals on 30.04.2024.

Being aggrieved by and dissatisfied with the judgment and decrees dated 30.04.2024 passed by learned Divisional Special Judge, Sylhet the petitioner preferred this revisional application before this Court and obtained Rule along with an order of stay.

During pendency of the Rule, the petitioner filed an application praying for disposal of the Rule on the ground that the parties have entered into an amicable settlement out of Court.

Mr. Didar Alam Kollol, learned Advocate for the petitioner, submits that during pendency of the Rule the parties amicably settled their disputes and mutually recognized their respective

shares and possession in accordance with the compromise arrived at between them. He therefore, prays for disposal of the Rule in terms of the said compromise or in the alternative, to send back the case on remand to the trial Court for disposal of the suit afresh in the light of the said compromise deed.

Heard the learned Advocate, perused the application and examined the compromise deed dated 08.12.2025.

It appears from the compromise deed dated 08.12.2025 that the petitioner has been allotted 15 decimals of land under the terms of the deed of compromise executed out of Court and that the parties are desirous of disposal of the suit in accordance therewith.

I am of the considered view that the ends of justice would be best served if the matter is sent back on remand to the learned Senior Assistant Judge, Additional Court, Sadar, Sylhet for disposal of the suit in accordance with the terms and conditions of the deed of compromise filed by the petitioner subject to no objection being raised by the adversary parties.

Accordingly, the trial Court is directed to dispose of the suit in accordance with the terms and conditions of the deed of compromise dated 08.12.2025 in accordance with law.

The parties are at liberty to adduce evidence in support of the deed of compromise if so advised.

Accordingly, the Rule is disposed of.

The order of stay granted earlier by this court at the time of issuance of the Rule stands recalled and vacated.

Let a copy of this Judgment along with a copy of the deed of compromise be communicated to the concerned Court forthwith.