

District-Chattogram.

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

Present:

Mr. Justice Md. Toufiq Inam

Civil Revision No. 6080 of 2024.

Whabidul Alam,

----- Plaintiff-Respondent-Petitioner.

-Versus-

Shamsuddin Md. Ashraf Khan.

----- Defendant-Appellant-Opposite Party No.1.

Md. Barek Miah and others.

----- Proforma-Respondents-Opposite Parties.

Mr. Md. Anwar Hossain, Advocate

----- For the Plaintiff-Respondent-Petitioner.

Mr. Khandker Nazmul Ahsan, Advocate

----- For the Defendant-Appellant-Opposite Party No.1.

Heard On: 21.08.2025.

And

Judgment Delivered On: 24.08.2025.

Md. Toufiq Inam, J.

This Rule, obtained at the instance of the plaintiff-petitioner, is directed against the so-called order No. 8 dated 11.08.2024 passed by the learned District Judge, Chattogram in Miscellaneous Appeal No. 460 of 2023, whereby, according to the petitioner, the judgment and decree dated 14.03.2022 and 15.03.2022 passed by the trial court in Title Suit No. 231 of 2019 decreeing the suit were allegedly set aside.

The short facts, as stated, are that the petitioner obtained a decree from the trial court in Title Suit No. 231 of 2019. Being aggrieved thereby, the opposite party preferred Miscellaneous Appeal No. 460

of 2023 before the learned District Judge, Chattogram. According to the revisional application and the information slip submitted for obtaining a certified copy of the impugned order, the petitioner contended that by order No. 8 dated 11.08.2024 the appellate court has already set aside the decree of the trial court.

Upon careful scrutiny of the records and the connected papers produced before this Court, it clearly appears that no such order as alleged exists on record. On the contrary, the information slip dated 20.08.2024 unequivocally demonstrates that the learned District Judge merely transmitted the appeal to the Court of the learned Joint District Judge, Satkania, Chattogram for hearing and disposal in accordance with law. It is, therefore, manifest that the appeal is still pending for disposal on merit, and no order has been passed setting aside the decree of the trial court.

The entire basis of the instant revisional application is thus wholly false, misleading, and frivolous. The petitioner has approached this Court without disclosing the correct facts and has sought to invoke the extraordinary jurisdiction under section 115 of the Code of Civil Procedure by deliberate suppression and misrepresentation. Such conduct not only amounts to gross abuse of the process of this Court but also undermines the sanctity of judicial proceedings.

It must further be emphasized that frivolous and misleading applications of this nature strike at the very root of judicial discipline. They unnecessarily delay the due course of justice, waste valuable judicial time, and cause harassment to the contesting party. Courts of law cannot be converted into arenas for speculative or dishonest litigation. It is the obligation of every litigant to assist the Court in the administration of justice and not to obstruct it by making false and irresponsible assertions.

It is now a well-settled principle that a litigant who approaches a court of law must do so with clean hands and utmost candour. A person whose case is based on falsehood has no right to approach the court and that such a litigant can be summarily thrown out at any stage of the litigation. Suppression of material facts itself is a ground for dismissal of the proceeding without entering into the merits; the process of law cannot be allowed to be misused by parties approaching with unclean hands.

This Court must also stress that the revisional jurisdiction under section 115 CPC is a discretionary and supervisory power, to be exercised sparingly and only in cases of manifest illegality, jurisdictional error, or material irregularity. It cannot be invoked on the basis of false or non-existent orders. Entertaining such baseless applications not only undermines the credibility of the judicial process but also encourages a culture of delay and harassment which must be sternly checked.

In these circumstances, this Court considers it its duty not only to discharge the present Rule but also to impose exemplary costs so as to deter litigants from adopting such malpractices in the future.

In view of the foregoing discussions, the Rule fails.

Consequently, the Rule is discharged with cost of Tk. 10,000/- (ten thousand) payable by the petitioner to the opposite party within 30 (thirty) days. In default of such payment, the opposite party shall be at liberty to realize the said amount through due process of law.

The office is directed to transmit a copy of this judgment to the learned District Judge, Chattogram and the learned Joint District Judge, Satkania, Chattogram at once for their notice and record, so

that the subordinate courts remain vigilant against such attempts of abuse of process in future.

(Justice Md. Toufiq Inam)

Ashraf /ABO.