

Present:
Mr. Justice Md. Shohrowardi
Civil Revision No. 2991 of 2025
Md. Abdur Razzak Bhuiyan @ Vhian and others....Petitioners
-Versus-
Abdul Mannan Hawlader and others....Opposite parties
Mr. Laxman Biswas, Advocate
....For the petitioners
Mr. Mohammad Eunus, Advocate
....For the opposite party Nos. 1 to 8
Heard on 18.06.2026
Judgment delivered on 25.06.2026

On an application under section 115(4) of the Code of Civil Procedure, 1908 on behalf of the defendant-petitioners Rule was issued calling upon the opposite parties to show cause as to why the impugned judgment and order dated 02.06.2025 passed by the Additional District Judge, Patuakhali in Civil Revision No. 70 of 2022 affirming the judgment and order dated 04.09.2022 passed by the Senior Assistant Judge, Sadar, Patuakhali in Title Suit No. 13 of 1999 disallowing the applications filed by the defendant Nos. 46-49 for withdrawal of the case from the date of judgment, recalling D. W. 9 Razzak Bhuiyan and calling the record of Certificate Case No. 1343/1966-67 of the Certificate Court, Patuakhali should not be set aside and/or pass such other or further order or orders as to this Court may seem fit and proper.

Learned Advocate Mr. Laxman Biswas, appearing on behalf of the petitioners, submits that the petitioners specifically stated in the written statement that the basis of the title of the petitioners is the auction sale in Certificate Case No. 1343/1966-67 and the records of the said case are required for ends of justice. Therefore, both the Courts below committed an error of law resulting in an error in the decision disallowing applications, occasioning failure of justice. He prayed for making the Rule absolute.

Learned Advocate Mr. Mohammad Eunus, appearing on behalf of the opposite party Nos. 1 to 8, although opposes the Rule, but during the course of hearing, he conceded that he has no objection, if the Rule is made absolute by calling the records of Certificate Case No. 1343/1966-67 for speedy disposal of the suit.

Heard the learned Advocates of both the parties, perused the revisional application, impugned judgments and orders passed by the Courts below and the records.

On perusal of the written statement filed by the defendant Nos. 46 to 49 in Title Suit No. 13 of 1999, it appears that Afser Ali Bhuiyan, father of the petitioners, along with Sattar, Zabbar, Abdur Rob and Kalu Hawlader purchased

9.11 decimals of land of S.A. Khatian No. 157 in auction in Certificate Case No. 1343/1966-67 from the Court of Patuakhali Certificate Court. In the applications filed by the defendant Nos. 46 to 49, it has been asserted that the records of Certificate Case No. 1343/1966-67 of Patuakhali Certificate Court are required for ends of justice. The petitioners also prayed for recalling D.W. 9, who has already been examined, for re-examination.

On perusal of the applications filed by the petitioners, it reveals that the records of Certificate Case No. 1343/1966-67 of Patuakhali Certificate Court is required for proper adjudication of the Title Suit No. 13 of 1999. Therefore, I am of the view that both the Courts below ought to have allowed the application for calling the records and recalling D.W. 9, withdrawing the suit from delivery of judgment.

I find merit in the Rule.

In the result, the Rule is made absolute.

The impugned judgments and orders passed by the Courts below are hereby set aside.

The trial Court is directed to withdraw the suit from delivery of judgment, call for the records of Certificate Case No. 1343/1966-67 from the Patuakhali Certificate Court and recall D.W. 9.

The trial Court is directed to dispose of the suit within 6(six) months from the date of receipt of this order.