

District-Chapainawabganj.**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CIVIL REVISIONAL JURISDICTION)****Present:****Mr. Justice Md. Toufiq Inam****Civil Mescellenous No. 20 of 2025.**

Most. Mahfuza Begum

---- Defendant-Petitioner.

-Versus-

Mosa. Rezia Begum and others.

---- Plaintiff –Opposite Parties.

Mr. Rasheduzzaman Basina, Advocate with

Ms. Sonia Akter, Advocate

----For the Defendant-Petitioner.

Mr. Md. Humayun Kabir, Advocate

----For the Plaintiff –Opposite Parties.

Heard & Judgment Delivered On: 12.03.2026.**Md. Toufiq Inam, J:**

This Rule was issued calling upon the opposite parties No. 1–8 to show cause as to why Other Class Suit No. 128 of 2025, pending in the Court of the learned Senior Assistant Judge, Sadar, Chapainawabganj, should not be transferred to the Court of the Assistant Judge, Natore, or to any other competent court within the local limits of Natore, where the petitioner is serving and residing.

It is alleged by the defendant–petitioner that, with a view to deprive her of the pension and other benefits of her deceased husband, late

Abdur Razzaque, the plaintiffs–opposite parties No. 1–8, being his mother, brothers, and sisters, instituted the suit in the Court of the learned Senior Assistant Judge, Chapainawabganj. The suit seeks a declaration that the petitioner is not the lawful wife of late Abdur Razzaque, along with other consequential reliefs.

Mr. Rashedul Islam Bashunia, learned Advocate for the petitioner appearing with Ms. Sonia Akter, submits that upon receiving the summons, the petitioner attended the court on 20.08.2025, where she was allegedly threatened with serious consequences. Thereafter, she obtained certified copies of the plaint and order sheet with assistance and lodged a General Diary (G.D. Entry No. 1491) on 28.08.2025 at Chapainawabganj Sadar Police Station. Being a woman, the petitioner apprehends for her personal safety if required to contest the suit in Chapainawabganj. He further submits that, as per Section 20(a) of the Code of Civil Procedure (CPC), the suit ought to have been instituted in the Court of the Assistant Judge, Natore, since the petitioner was posted at Bagatipara Model Police Station, Natore, at the time of institution of the suit. Therefore, for the petitioner’s safety and in the interest of justice, the suit should be transferred.

Conversely, Mr. Md. Humayun Kabir, learned Advocate appearing for the opposite parties, submits that the petitioner has failed to establish any real or credible threat to her personal safety or any genuine

difficulty in contesting the suit before the court concerned. He contends that the Court of the learned Senior Assistant Judge, Chapainawabganj, is fully competent to try the suit, since a part of the cause of action arose within the territorial jurisdiction of that court. He further submits that the institution of the suit at Chapainawabganj cannot be said to be malicious or intended to harass the petitioner. According to him, the defendant herself is a police officer, whereas the plaintiffs are ordinary citizens, and therefore the allegation of intimidation or insecurity is wholly unfounded. The filing of the suit at the said court is merely a lawful exercise of the plaintiffs' right to institute the proceeding at a place where part of the cause of action arose. He lastly contends that there is no material on record to indicate that the petitioner would face any immediate or real danger so as to justify transfer of the suit under Section 20 of the Code of Civil Procedure.

Upon careful consideration of the submissions of the learned Advocates for the respective parties, this Court observes that the power of transfer of a suit is not to be exercised lightly. Such power is generally invoked where the suit has been instituted in a court lacking territorial competence, or where it is clearly shown that the convenience or safety of a party would be seriously jeopardized if the proceeding continues in the existing forum.

In the present case, the materials on record do not disclose any convincing circumstance warranting the exercise of such power. Although the petitioner has referred to a General Diary lodged at the police station, the same, by itself, cannot be regarded as proof of any imminent or real threat to her life or safety so as to justify shifting the forum of the suit. No independent or reliable material has been placed before this Court demonstrating that the petitioner would face any genuine danger in attending the court at Chapainawabganj.

It further appears that part of the cause of action giving rise to the suit arose within the territorial jurisdiction of Chapainawabganj. In such circumstances, the plaintiffs were legally entitled to institute the suit before the Court of the learned Senior Assistant Judge, Chapainawabganj. The statutory right of a plaintiff to choose a competent forum where the cause of action arises cannot be curtailed merely on the basis of an apprehension expressed by the defendant, unless such apprehension is supported by credible and convincing evidence.

This Court is of the view that a transfer of suit requires clear and cogent grounds demonstrating either lack of jurisdiction of the court where the suit has been filed or the existence of a real and substantiated threat to the safety or fair participation of a party in the proceeding. Mere assertions of inconvenience or generalized

apprehension, unsupported by reliable evidence, do not furnish a valid basis for exercising the discretionary power of transfer.

In the present case, no such circumstances have been established. Accordingly, this Court finds no merit in the Rule and no ground to interfere with the jurisdiction of the learned Senior Assistant Judge, Sadar, Chapainawabganj.

The Rule is therefore discharged.

The order of stay stands vacated.

There shall be no order as to costs.

Let a copy of this judgment be transmitted to the Court of the learned Senior Assistant Judge, Chapainawabganj, for information and compliance.

(Justice Md. Toufiq Inam)