

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

Present:

Mr. Justice Md. Shohrowardi

Civil Revision No. 1846 of 2025

IN THE MATTER OF

An application under Section 115(1) of
the Code of Civil Procedure, 1908.

-AND-

IN THE MATTER OF:

Mosharaf Hossain (Musa Mia) and
others

... Petitioners

-Versus-

Md. Helal Uddin and others

... Opposite parties

No one appears

.....For the petitioner

No one appears

...For the opposite party Nos.1-3

Heard on 12.08.2026

Judgment on: 12.08.2026

On an application under section 115(4) of the Code of Civil Procedure, 1908 Rule was issued calling upon the opposites to show cause as to why the impugned order dated 11.03.2025 passed in Other Class Appeal No. 185 of 2021 by Additional District Judge, Court No. 2, Kishoreganj allowing the application under Order I Rule 10 of the Code of Civil Procedure, 1908 filed by opposite parties for addition of parties should not be set aside and/or pass such other or further order or orders as to this Court may seem fit and proper.

The relevant fact for disposal of the Rule is that the petitioners as plaintiffs filed Other Suit No. 117 of 2016 in the Court of Joint District Judge, Court No. 2, Kishoreganj, praying for a decree of declaration of title impleading the government as defendant. After concluding the trial, the trial court, by judgment and decree dated 20.08.2018, decreed the said suit on contest against the defendant, against which the defendant government filed Other Appeal No.185 of 2021. During pendency of the said appeal, the opposite parties Nos. 1 to 4 filed an application for adding them as co-appellants in the appeal, and respondent Nos. 1 to 18 filed written objection against the said application. After hearing, the Additional District Judge, Court No. 2, Kishoreganj, by order dated 11.03.2025, allowed the application for addition of party, adding the opposite party Nos. 1 to 4 as co-appellants, against which the plaintiff-respondent obtained the Rule.

No one appears on behalf of either party.

On perusal of the impugned order dated 11.03.2025, it appears that the appellate court passed a non-speaking order allowing the application for addition of party without assigning any reason. Therefore, the matter should be sent back to the appellate court to write an order on the application for addition of party assigning reasons following the law.

With the above findings and observations, the Rule is disposed of.

The judgment and order dated 11.03.2025 is hereby set aside.

The matter is sent back to the appellate court below to write an order on the application for addition of party, assigning

reason following the law within 30 (thirty) days from the date of receipt of this order.