

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

Present:

Mr. Justice Md. Shohrwardi

Civil Revision No. 1284 of 2025

IN THE MATTER OF

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

-AND-

IN THE MATTER OF:

Mohammad Abdul Bashir Miah

... Petitioner

-Versus-

Nurjahan Begum and others

... Opposite parties

No one appears

.....For the petitioner

Mr. Mohammad Imam Hossain, Advocate

....For the opposite party No. 2, 3, 6
to 11 and 14.

Heard on 30.06.2026 and 21.07.2026

Judgment on: 22.07.2026

On an application filed under section 115(1) of the Code of Civil Procedure, 1908 Rule was issued calling upon the opposite parties to show cause as to why the impugned order dated 19.03.2025 passed by the Additional District Judge, Court No. 1, Lakshmipur in Title Appeal No. 54 of 2014 arising out of Title Suit No. 03 of 2001 rejecting the application for amendment of written statement under Order VI Rule 17 of the Code of Civil Procedure, 1908 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 predecessors of opposite party Nos. 1 to 15 as plaintiffs filed Title

Suit No. 123 of 1990 (re-numbered Title Suit No. 03 of 2001) in the Court of Assistant Judge, Lakshmipur praying for decree of declaration that the deed No. 708 dated 25.01.1989 is forged, fraudulent, collusive, ineffective, null and void, cancelled and delivered up. The defendant Nos. 1 and 2 contested the suit by filing written statement denying the assertion made in the plaint. After concluding trial, the trial court by judgment and decree dated 17.04.2014 decreed the suit against which the defendants filed Title Appeal No. 54 of 2014 in the Court of the District Judge, Lakshmipur. During pendency of the said appeal, defendant No. 2 filed an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 for amendment of the written statement. After hearing the parties, the Additional District Judge, Court No. 1, Lakshmipur, by order dated 19.03.2025 rejected the application for amendment of the written statement against which the defendant- appellant petitioner obtained the Rule.

No one appears on behalf of the petitioner.

Learned Advocate Mr. Mohammad Imam Hossain appearing on behalf of the opposite party Nos. 2, 3, 6 to 11 and 14 submits that the application for amendment of written statement was filed long after 9 years of filing the Title Appeal No. 54 of 2014 to delay the disposal of the appeal and no statement is made in the application that the amendment is necessary for adjudication of the dispute between the parties. He prayed for discharging the Rule.

I have considered the submission of the learned Advocate Mr. Mohammad Imam Hossain who appeared on behalf of the opposite party Nos. 2, 3, 6 to 11 and 14, perused the application under Order VI Rule 17 of the Code of Civil Procedure, 1908, the impugned order passed by the courts below and the records.

The pleadings can be amended at any stage of the proceeding provided that, despite due diligence, the party could not file the application for amendment before commencement of the trial.

On perusal of the application filed by the defendant appellant petitioner reveals that no statement is made in the application that amendment of the written statement is necessary for proper adjudication of the dispute between the parties. No reason has been assigned by the defendant petitioner as to why the application for amendment of the written statement could not be filed in the trial court. The appeal has been filed in 2014, and long after 9 years, the defendant-petitioner filed an application for amendment of the written statement in 2025.

I am of the view that the defendant-appellant-petitioner filed the application for amendment of the written statement to delay the disposal of the appeal without showing any explanation as to why he could not file the application for amendment before the trial court.

I do not find any merit in the Rule.

In the result, the Rule is discharged.

The appellate court is directed to dispose of the appeal expeditiously.

However, there will be no order as to costs.