

**In the Supreme Court of Bangladesh
High Court Division
(Civil Revisional Jurisdiction)**

Present:

Mr. Justice Md. Riaz Uddin Khan

Civil Revision No. 24 of 2026

IN THE MATTER OF:

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

-And-

In the Matter of:

Golam Kibria Tapon

... Defendant-Petitioner

-Versus-

White House Group

... Plaintiffs-Opposite Party

Mr. Iqbal Hasan, Advocate

... For the petitioner

Mr. Kefayet Ullah Masud, In person

... For the Opposite Party

Judgment on: 20.05.2026

Md. Riaz Uddin Khan, J-

At the instance of the defendant No.7 this Rule was issued calling upon the plaintiff-opposite party to show cause as to why the order 20.10.2025 passed by the District Judge, Narayangonj in Transfer Miscellaneous Case No.51 of 2025 rejecting the application under section 24 of the Code of Civil Procedure to transfer Title Suit No.03 of 2022 pending before the Court of Joint District Judge, Artha Rin Adalat, Narayangonj to any other competent court should not be set aside and or such other or further order or orders should not be passed as to this Court may deem fit and appropriate.

The defendant-opposite party appeared in person and filed counter affidavit.

Earlier the learned advocate for the defendant-petitioner filed an application for stay of the Title Suit but this Court did not pass any order on that application and fixed the Rule for hearing on 20.05.2026. Today the Civil Revision has been taken up for hearing in presence of both the parties.

Mr. Iqbal Hasan, the learned advocate appearing for the petitioner submits that he has filed an application for transferring the suit from the Artha Rin Adalat to any other competent court as the learned Judge appears to be biased towards the plaintiff. The learned judge is fixing the date of the suit in a very short span of time whereas he usually fixes other suits giving more times. The learned advocate then submits that the plaintiff used to appear in person before the trial court and seemingly somehow biased some of the staffs of the trial court who are showing hostile attitude to the defendant-petitioner.

On the other hand Mr. Kefayet Ullah Masud, the Chairman of While House Group, the plaintiff-opposite party appearing in person denying all the allegations made by the petitioner submits that the concerned Judge has already been transferred hence this Rule should be discharged.

I have heard the learned advocate for the petitioner as well as the Mr. Kefayet Ullah Masud in person, perused the application along with all the annexures and I have also examined the impugned order. The learned District Judge rejected the application on the finding that the allegations made against the learned trial Judge has no basis and if any party is aggrieved by any order passed by the Court he has every

right to challenge that order before the higher forum but instead of that the defendant filed such an application which is disrespectful to the Court.

The record shows that the plaintiff filed Title Suit No.219 of 2006 for specific performance of contract before the court of Joint District Judge, 2nd Court, Narayangonj. Thereafter, the suit has been renumbered several times and lastly renumbered as Title Suit No.03 of 2022. It appears that the learned Judge of the trial court fixed dates in a very short span of time whereas the suit register shows, in other suits the learned judge used to give long span of time. However, the allegation made against the learned Judge has no basis. The allegation of biasness is a serious issue and no one should make such allegation without having evidence of biasness. The petitioner is hereby cautioned for making such baseless allegation only on the basis of apprehension and to be very careful in future. However, the petitioner has made some allegations against the staffs of the court, who may have some influence in fixing unusual dates convenient for the plaintiff only and sometimes as a busy court the learned judge might not apply his/her mind in fixing dates. However, this is a title suit which is to be tried by a civil court not by any special court having special jurisdiction like Artharin Adalat, which is a very busy court having cases of its own jurisdiction. In that view of the matter, justice would be met if the instant title suit for specific performance of contract is transferred to the Court of Joint District Judge, 2nd Court, Narayangonj wherein this suit was initially filed.

With the above observation and direction the instant Rule is disposed of.

Let the Title Suit No.03 of 2022, now pending in the court of Joint District Judge, Artharin Adalat, Narayongonj be transferred to the Court of Joint District Judge, 2nd Court, Narayangonj for disposal of the suit. The Joint District Judge, Artharin Adalat is directed to transmit the record to the court of Joint District Judge, 2nd Court, Narayongonj at once.

The learned Joint District Judge, 2nd Court, Narayongonj is directed to dispose of the suit after notifying all the parties expeditiously as early as possible giving priority without any adjournments except in dire necessity.

Communicate the judgment and order at once.