

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

Single Bench:

Mr Justice Abdur Rahman

Civil Revision No. 1325 of 2026

In the matter of:

Khandakar Istiak Ahmed and others

.....Preemptor-Respondent

Petitioners

-Versus-

Alhaz Md. Abdul Aziz Dhali and others

....Preemptees- Appellants

Opposite parties

Mr Mohammad Selim Jahangir, Advocate

(Absēns in causā)

.....*For the Petitioners*

Mr Md. Shahadat Tanveer Amin, Advocate

...For the opposite parties

Date of Hearing: 29.07.2026 and 03.08,2026 A.D.

Date of Judgment: 03.09.2026 A.D., Thursday;

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JUDGMENT:

Abdur Rahman, J:

This revisional application, at the instance of the petitioners, has been filed under section 115(4) of the Code of Civil Procedure, 1908. At the time of issuance of the Rule, **by granting Leave, [Sic]** the following order was passed:

"Let a Rule be issued calling upon the opposite party Nos.1 & 2 to show cause as to why the Judgment and Order dated 01.04.2026 passed by the learned Senior District Judge, Natore allowing the Civil Revision No. 29 of 2025 and thereby reversing the Judgment and Order dated 27.05.2025 passed by the learned Joint District Judge, First Court, Natore, in Other Class (Shufa) Suit No. 36 of 2013 shall not be set aside and/or pass such other or further order or orders as to this Court may seem fit and proper. "

Concomitantly, this Court was also pleased to stay operation of the impugned *Judgment and Order dated 01.04.2026 passed by the learned Senior District Judge, Natore*

allowing the Civil Revision No. 29 of 2025 for a period of 6(six) months from date.

The material facts giving rise to the instant Rule, as discernible from the revisional application and the materials on record, may briefly be stated as follows:

The predecessor of the present petitioners, as plaintiff, had filed the Other Class (Shufa) Suit 36 of 2013 in the Court of the learned Joint District Judge, 1st Court, Natore, impleading the Opposite Parties as Defendants, praying for pre-emption under Islamic Law of the schedule property in the said suit.

The plaintiff claimed that on 31.10.2017, a date was fixed for the hearing of the application dated 22.08.2017 filed by the Defendant Nos. 1 and 2 seeking decreeing of the suit on admission. On the other hand, the plaintiff filed an application under Order 6 Rule 17 of the Code of Civil Procedure for amendment of the Plaint. Thereafter, on 31.10.2017 upon hearing of the said application dated 22.08.2017 filed by the Defendant Nos. 1 and 2 and application dated 31.10.2017 filed by the plaintiff under Order

6 Rule 17 of the Code of Civil Procedure, the learned Joint District Judge, 1st Court, Natore, was pleased to reject the said application dated 31.10.2017 filed by the plaintiff under Order 6 Rule 17 of the Code of Civil Procedure and allowed the said application dated 22.08.2017 filed by the Defendant Nos. 1 and 2 vide his Judgment and Decree dated 31.10.2017 with a direction.

Thereafter, the plaintiff being aggrieved by and dissatisfied with the said Judgment and Decree dated 31.10.2017 (Decree signed on 07.11.2017) passed by the learned Joint District Judge, 1st Court, Natore, in Other Class (Shufa) Suit No.36 of 2013 decreeing the suit, the plaintiff as appellant had preferred First Appeal No. 23 of 2018 before the Hon'ble High Court Division of the Supreme Court of Bangladesh along with an application for stay.

Hereinafter, on 29.01.2018, after hearing of the said application for stay, a Division Bench of the Hon'ble High Court Division of the Supreme Court of Bangladesh was pleased to stay the operation of the impugned Judgment and Decree dated 31.10.2017 (Decree signed on 07.11.2017)

passed by the learned Joint District Judge, 1st Court, Natore, in Other Class (Shufa) Suit No.36 of 2013 decreeing the suit till disposal of the appeal.

Thereafter, as per the prayer of the appellants, a Division Bench of the Hon'ble High Court Division of the Supreme Court of Bangladesh was pleased to dismiss the said First Appeal for non-prosecution and also vacated the order of stay granted earlier vide their Order dated 07.10.2024.

Hereinafter, on 30.04.2025, the plaintiffs, being the applicants, filed an application along with a prayer to deposit Tk. 52,50,000/- (Taka Fifty-Two Lac and Fifty Thousand) only in the name of the Defendant Nos. 1 and 2 by way of Chalan as per the condition of the learned trial Court. After hearing of the said application on 27.05.2025, the learned Joint District Judge, First Court, Natore was pleased to allow the said application and thereby directed the plaintiffs to deposit the said money. Accordingly, on 07.07.2025, the plaintiffs submitted the copy of the challan of the said money to the Court.

Consequently, being aggrieved by, on 19.08.2025, the defendant Nos. 1 and 2, as petitioners, filed Civil Revision No. 29 of 2025 before the Court of the learned Senior District Judge, Natore challenging the Judgment and Order dated 27.05.2025 passed by the learned Joint Judge, First Court, Natore, in Other Class (Shufa) Suit No.36 of 2013 allowing the plaintiffs to deposit the money violating the conditions imposed at the time of decreeing the suit.

Thereafter, the learned Senior District Judge, Natore, after hearing, was pleased to allow the said Civil Revision and thereby reversed the Judgment and Order dated 27.05.2025 passed by the learned Joint Judge, First Court, Natore, in Other Class (Shufa) Suit No. 36 of 2013, vide his impugned Judgment and Order dated 01.04.2026.

Feeling aggrieved by and dissatisfied with the aforesaid decision of the learned Senior District Judge, Natore, the plaintiffs, as petitioners, invoked this revisional jurisdiction of this Court.

The opposite parties made appearance in the instant Rule by filing Wakalatnama, without any Counter Affidavit.

Thus, they fixed the case for hearing and informed the petitioners.

None appeared on behalf of the petitioners at the time of hearing.

Although no one appeared on behalf of the petitioners at the hearing, the Court, in exercise of its revisional jurisdiction and supervisory authority, retained the power to proceed with the matter and dispose of it on its merits. In doing so, the Court was required to conduct a careful and impartial examination of the record, consider the relevant facts and applicable law, and weigh all material aspects for and against the petitioner. Such scrutiny was necessary to ensure that the matter was determined fairly and that substantial justice was served.

Consequently, I would like to draw attention to the grounds advanced in this revisional application, where the petitioners endorsed that the impugned order is totally misconceived and without any legal foundation and also impractical, and the learned Appellate Court below failed to appreciate the vital aspect of the said matter, and without

considering the relevant laws, the learned Appellate Court below has delivered the impugned Judgment and Order in the said Civil Revision No. 29 of 2025, which has caused failure of justice, rendering the impugned order wholly illegal and not tenable in law.

The petitioners further placed on record that the learned Revisional Court below has committed an error of law in its understanding of the facts and circumstances of the said case and thereby reached a wrong decision, thereby occasioning a failure of justice.

The petitioners further claimed that the learned Court below rightly allowed the said application on 27.05.2025, directing the present petitioners to deposit the said money. Consequently, on 07.07.2025, the petitioners submitted a copy of the challan for the said money to the Court and deposited an amount of Tk. 52,50,000/- (Taka Fifty-Two Lac and Fifty Thousand) only, but the learned Revisional Court below, on misconception of law, reversed the order failing to consider that the said case of Birendra Nath Kar Vs Abdul Mannan Kazi and others reported in 10 BLC (AD) 157 is not

applicable in the present case in hand because in the said case there was no stay order passed by the Appellate Court but in the present case, the specific order of stay was granted by the Hon'ble High Court Division in First Appeal No. 23 of 2018 and the said order of stay has been vacated by the Hon'ble High Court Division on 07.10.2024, which is apparent from the order No. 24 dated 05.03.2018 and order No. 26 dated 22.04.2025 passed by the learned Joint District Judge, First Court, Dhaka in Other Class (Shufa) Suit No.36 of 2013 and therefore, resulted in an error in the decision occasioning failure of justice and hence, the Judgment and Order dated 01.04.2026 passed by the learned Appellate Court below is liable to be set aside.

The petitioners further contended that the learned Court below allowed the said application on 27.05.2025, directing the present petitioners to deposit the said money. Accordingly, on 07.07.2025, the petitioners submitted a copy of the challan for the said money to the Court and deposited an amount of Tk. 52,50,000/- (Taka Fifty Two Lac and Fifty Thousand) only, thereafter, on 19.08.2025, the present

Opposite Party Nos. 1 and 2 filed the said Civil Revision No. 29 of 2025 before the learned District Judge, Natore and in the meantime the said order dated 27.05.2025 passed by the learned Joint District Judge, First Court, Natore has been complied with but the learned Appellate Court below on misconception of law reversed the said order and therefore, resulted in an error in the decision occasioning failure of justice and hence, the Judgment and Order dated 01.04.2026 passed by the learned Appellate Court below is liable to be set aside for ends of justice.

The petitioners also took ground on that the learned Revisional Court below has wrong conception and sentiment and without applying his judicial mind allowed the said Civil Revision No. 29 of 2025 and thereby reversed the Judgment and Order dated 27.05.2025 passed by the learned Joint District Judge, First Court, Dhaka in Other Class (Shufa) Suit No.36 of 2013 by his impugned Judgment and Order dated 01.04.2026 and, hence, the said impugned Judgment and Order dated 01.04.2026 passed by the learned Senior District Judge, Natore, is liable to be set aside.

Mr Md. Shahadat Tanveer Amin, learned Advocate appearing on behalf of the opposite parties 1-2 submitted that the learned trial Court, being misconceived and misunderstanding, allowed the application for depositing the money in a dead case, whereas the learned Appellate Court, after analyzing the facts and law of the instant case, allowed the revisional application on 01.04.2026 under section 115(2) of the Code of Civil Procedure, 1908, accordingly, there is no reason to interfere with the said judgment and order under this revisional jurisdiction.

Learned Advocate further submitted that the plaintiff had filed the Other Class (Shufa) Suit 36 of 2013 in the Court of the learned Joint District Judge, 1st Court, Natore, impleading the Opposite Parties as Defendants, praying for pre-emption under Islamic Law of the schedule property of the alleged deed, and the defendants 1-2 on 22.08.2017 filed an application seeking decree of the suit on admission. Thereafter, on 31.10.2017, upon hearing of the said application, the learned Joint District Judge, 1st Court, Natore, was pleased to allow the said application vide its Judgment

and Order dated 31.10.2017 (Decree drawn up thereunder and signed on 07.11.2017) with a direction to deposit the consideration money along with compensation within 30(thirty) days, failing which the suit shall be dismissed instantly.

Learned Advocate also argued that the petitioner earlier filed a First Appeal 23 of 2018 before the High Court Division after expiring the 30 days of the conditional order of the learned trial Court, and the petitioner non-prosecuted the said First Appeal without any direction to the trial Court to take the required money for depositing for reviving the decree of Haque Shufa given by the learned trial Court; consequently, the impugned order dated 22.04.2025 was absolutely a wrong and illegal order which cannot be sustained in law.

Learned Advocate finally posited that any type of conditional order made the Court *functus officio*, and as such the Subordinate Revisional Court rightly passed the judgment and order dated 01.04.2025 basing upon its own facts and established principle of law, which cannot be interfered with

by any means; hence the instant Rule is liable to be discharged.

I have perused the revisional application, the judgment and order impugned herein, the materials available on record and the submissions advanced by the learned Advocate for the opposite parties 1-2 as well as the grounds taken along with documents appended in the application by the petitioners.

From the impugned order of the learned trial Court, it appears that the petitioners (plaintiffs/preemptors) submitted an application on 30.04.2025 for depositing the consideration money and the learned Court, after hearing, allowed the said application on 27.05.2025 for depositing the consideration value to the tune of Tk.52,50,000/= (Taka Fifty-two Lakh and Fifty Thousand) only, and thereby accepted the copy of Chalan relating to public treasury.

However, the learned Revisional Court reversed the decision of the learned trial Court, explaining the reasons which demonstrated that in the original suit, upon hearing

both sides, the learned trial Court, by its judgment and decree dated 31.10.2017, decreed the suit without costs on admission against defendants Nos. 1 and 2 and *ex parte* against the other defendants, and directed the plaintiff to deposit the required money in favour of the defendant Nos. 1 and 2, within 30 (thirty) days, a total sum of Tk. 52,50,000/-, being the consideration money for the impugned deed, together with the compensation money. The learned trial Court further observed in the impugned order that, in the event of non-payment of the said amount within the stipulated period, the suit would stand dismissed.

However, instead of depositing the said amount within the stipulated period of 30 days, the plaintiff preferred F.A. No. 23 of 2018 before the Hon'ble High Court Division. The plaintiff-respondents were well aware that unless the said amount was deposited within the stipulated 30-day period, the suit would stand dismissed. Notwithstanding such knowledge, they chose to take the risk, and no order extending the aforesaid period of 30 days was passed by the superior Court. Upon dismissal of the said appeal, the plaintiff

again filed an application on 30.04.2025 praying for an order permitting the deposit of Tk. 52,50,000/- in favour of defendant Nos. 1 and 2. The learned trial Court, by the impugned order, allowed the said application and directed that the amount be deposited by way of challan in the names of defendant Nos. 1 and 2.

In view of the order dated 31.10.2017 passed by the learned trial Court, the plaintiff having failed to deposit the said amount within the stipulated period, the original suit was liable to be dismissed. However, when the plaintiff again filed an application before the selfsame Court seeking the same relief, the learned trial Court, on 30.04.2025, once again allowed the application and permitted the plaintiff to deposit the said amount. Such an order is not sustainable in law. The learned trial Court, having already passed its order dated 31.10.2017 in respect of the same matter, became functus officio in that regard. In the facts and circumstances of the case, the case law cited by the learned Advocate for the revision-petitioners is relevant and applicable to the case in hand.

Upon consideration of the foregoing discussion, it appears that the learned trial Court, having fallen into errors of law and fact, allowed, by the impugned order, the application filed by the plaintiff for depositing, by way of challan, the sum of Tk. 52,50,000/- in the names of defendant Nos. 1 and 2. Since the impugned order passed by the learned trial Court suffers from legal infirmity, the same calls for interference by this Court and is liable to be set aside.

From the aforesaid observations and crystal-clear explanations, it is quite clear to say that the Subordinate Revisional Court has left no stone unturned to provide substantial justice in the instant suit for Muslim Haque-Sufa.

However, to be more certain, I wish to address all the grounds taken by the petitioners. For reasons of necessity, I need to examine the principles of Muslim Haque-Sufa, i.e. **Haq-e-shufa** (also called *shufa* or the Muslim law of pre-emption) is a preferential right to acquire certain immovable property after its owner sells it to someone else. The claimant steps into the buyer's position on the sale's terms; the right generally arises only after a valid, completed sale. Under the

classical rules often summarized in Mulla's *Principles of Mahomedan Law* and other judicial principles, the following fundamentals are required, i.e.:

- i) **Who may claim:** traditionally, a co-sharer in the property (*shafi-i-sharik*); someone sharing certain rights or appurtenances, such as a right of way (*shafi-i-khalit*); and, in some formulations, an adjoining owner (*shafi-i-jar*). The applicable law may limit these categories.
- ii) **The sale must qualify:** a claim generally arises from a completed sale, not from a gift, inheritance, lease, or other transfer that is not legally a sale.
- iii) **The claimant must make the required demands promptly:** *talab-i-mowasibat* is an immediate assertion after learning of the sale. *Talab-i-ishhad* is a prompt confirmation of the claim, traditionally made before witnesses and in the presence of the buyer or seller, or on the property. Lastly, *Talab-i-Tamlik/Talab-i-Khusumat* (Demand by suit) is that if the right is not recognized by the purchaser, the preemptor must

institute a suit to enforce the right and obtain the property by pre-emption.

iv) The right must remain alive: prior consent to the sale or conduct amounting to waiver may defeat a later claim. A court claim must also be brought within the applicable deadline.

Upon consideration of the foregoing, I am of the view that the right of pre-emption under Muhammadan Law may be enforced only upon due compliance with the three mandatory demands, commonly referred to as the ***talabs***: (i) ***talab-i-mowasibat***, or the immediate demand made upon the pre-emptor's receipt of information concerning the sale; (ii) ***talab-i-ishhad***, or the demand made with the requisite invocation of witnesses and in the manner prescribed by law; and (iii) ***talab-i-tamlik***, namely, the institution of legal proceedings to establish and enforce the claim. These requirements are integral to the assertion and enforcement of the right of pre-emption.

In that context, the issue before the Court is whether the plaintiff may, by way of amendment of the plaint under

Order VI, rule 17 of the Code of Civil Procedure, 1908, substitute the consideration stated in the pre-empted deed of sale. The deed in question, being Deed No. 7837 dated 29 August 2011, records consideration of Tk. 50,00,000 (fifty lakh). The plaintiff's proposed amendment seeks to replace that figure with Tk. 20,00,000 (twenty lakh).

In my firm view, the proposed amendment does not merely clarify a matter of form. It seeks to alter a material particular of the transaction on which the pre-emption claim is founded, notwithstanding that the consideration is expressly recorded in the deed. Having regard to the mandatory character of the *talabs* and the principles governing enforcement of the right, there is no sufficient basis in the present application to reopen or substitute the consideration stated in the deed. Accordingly, the plaintiff's application under Order VI, rule 17 of the Code of Civil Procedure, 1908, seeking to replace the recorded consideration of Tk. 50,00,000 with Tk. 20,00,000, is without legal foundation and falls outside the proper scope of amendment in a pre-emption proceeding. The application is

therefore rightly rejected by the trial Court and the suit is decreed on admission.

For the reasons of necessity, I need to examine the provisions of Order XII Rule 6 of the Code of Civil Procedure, 1908, which are reproduced hereunder:

"Judgment on admissions: Any party may, at any stage of a suit, where admissions of fact have been made, either on the pleadings, or otherwise, apply to the Court for such judgment or order as upon such admissions he may be entitled to, without waiting for the determination of any other question between the parties: and the Court may upon such application make such order, or give such judgment, as the Court may think just."

A plain reading of the foregoing statutory provisions makes clear that, where a party admits a material fact in its pleadings, the Court may, in its discretion and without deciding the remaining issues between the parties, enter judgment on application by any party to the suit. The

plaintiff's ultimate relief is a decree. Here, Defendants 1 and 2 sought a decree against themselves because of the hardship of continuing the proceedings. In light of the contesting defendants' admissions, the learned trial Court decreed the suit in the plaintiff's favour, subject to a condition.

In these circumstances, I am satisfied that the learned trial Court acted properly and on a reasoned basis. The purpose of judgment on admission is to allow a party to obtain prompt relief to the extent of an admission. Where a party makes a clear admission of facts that entitles the opposing party to succeed, and those facts leave no tenable basis for the admitting party to resist that relief, judgment may be entered on the admission. The admission must, however, be clear and unambiguous.

Either party may invoke this rule to resolve the part of the suit that is not genuinely in dispute. If the Court is satisfied that the defendant has made a clear and unequivocal admission, whether in the pleadings or otherwise, it may enter a decree to the extent of that admission. Because the rule permits judgment at any stage without awaiting

determination of the remaining issues, separate decrees may be entered at different stages of the proceedings. I therefore find no patent illegality in the trial Court's decision.

To provide a reply to another pivotal ground of the petitioners, where they claimed that the learned Court more arbitrarily rejected the application for amending the plaint and decreed the suit on admission, and thereby being aggrieved by the filing of the First Appeal 23 of 2018 before the High Court Division and obtained an order of stay on 29.01.2018, and finally they non-prosecuted the said Appeal and, on 07.07.2025, the petitioners submitted a copy of the challan for the said money to the Court and deposited an amount of Tk. 52,50,000/- (Taka Fifty-Two Lac and Fifty Thousand) only, but the learned Revisional Court below, on misconception of law, reversed the order failing to consider that the said case of Birendra Nath Kar Vs Abdul Mannan Kazi and others reported in 10 BLC (AD) 157 is not applicable in the present case in hand because in the said case there was no stay order passed by the Appellate Court but in the present case, the specific order of stay was granted by the Hon'ble

High Court Division in First Appeal No. 23 of 2018 and the said order of stay has been vacated by the Hon'ble High Court Division on 07.10.2024, which is apparent from the order No. 24 dated 05.03.2018 and order No. 26 dated 22.04.2025 passed by the learned Joint District Judge, First Court, Dhaka in Other Class (Shufa) Suit No.36 of 2013 and therefore, resulted in an error in the decision occasioning failure of justice.

In this context, records reveal that the learned trial Court decreed the suit on admission vide its judgment and order dated 31.10.2017 (Decree drawn up thereunder and signed on 07.11.2017, with a specific direction to deposit the consideration money with compensation within 30 days, failing which the suit shall stand dismissed. But after 30 days had expired, the plaintiff filed First Appeal 23 of 2018 before the High Court Division and also obtained a stay on 29.01.2018, when the original suit had already died by a consequential order of the learned trial Court. Moreover, the appellant non-prosecuted the said appeal on 07.10.2024 without obtaining any further direction to deposit the consideration money before the learned trial Court. In this

way, the petitioner again expired the 30 days of the dismissal order dated 07.10.2024 of the High Court Division; he filed an application on 30.04.2025 to deposit the consideration money, and the learned trial Court, after hearing, allowed the application on 27.05.2025, and accordingly the petitioner deposited consideration money to the tune of Tk.52,50,000/=only, and the defendants 1-2 being aggrieved filed Civil Revision 29 of 2025, and after hearing, the learned Senior District Judge, Natore, reversed the decision of the learned trial Court with specific reasons which has been discussed earlier.

Now the paramount factum of the issue comes into closer view, namely, whether the trial Court was justified in allowing the application to deposit the consideration money, or had become *functus officio*.

In the light of the foregoing, it is the settled principle that *functus officio* means that a court has completed the judicial function assigned to it in a particular matter and, as a result, generally no longer has authority to reconsider or alter its final decision. The rule protects the finality of judgments

and prevents a court from reopening a dispute simply because it later changes its view of the facts or law.

Our Apex Court in Civil Appeal No. 67 of 2022 has described the general rule of *functus officio* and held:

“The term Functus Officio' means that the jurisdiction of a designated authority comes to an end once he/she has performed his/her functions for which he/she was appointed.

This term is equally applicable to all other offices, including the Courts. It is a settled principle that when a court has reached its final decision in respect of a matter, such court cannot vary/change its own decision, unless it is permitted by the specific provision of law.”

In the backdrop of the facts and propositions of law, I find that the learned trial judge passed the impugned order dated 27.05.2025 for depositing the consideration money without getting sanction from the Civil Appeal 23 of 2018 of the High Court Division and even became subject to the doctrine of decision-specific *functus officio* and in the case of having dismissal status. Nevertheless, the learned Subordinate

Revisional Court controverted the decision of the trial Court by applying cogent and pertinent reasons of the facts of the instant case as well as depending upon the doctrine of *functus officio*.

Considering the above facts and propositions of law, I am of the firm conviction that **the principle of *functus officio* is decision-specific, and the bottom line is judicial economy as well as the finality of litigation. Thus, a Court, having finally determined a particular matter, ordinarily becomes *functus officio* with regard to that determination; nevertheless, its jurisdiction is not thereby exhausted in respect of other matters in the proceedings, including execution or enforcement and such ancillary or further proceedings as may be expressly sanctioned by statute. The principle admits of limited exceptions where the impugned decision was made in excess of or without jurisdiction, is patently illegal, or was obtained by fraud.**

However, I am dealing with this matter under section 115(4) of the Code of Civil Procedure, 1908, arising out of the decision passed by the learned Subordinate Revisional Court

under the authority of section 115(2) of the said Code. The revisional jurisdiction of this Court under section 115 of the Code of Civil Procedure is supervisory and corrective in nature. It is not intended to substitute the revisional Court's own assessment of evidence for that of the competent subordinate Court as though this Court were exercising ordinary revisional jurisdiction. Nevertheless, where the subordinate Court has acted with material irregularity, misconstrued the governing legal provision, failed to exercise jurisdiction vested in it, or has adopted a procedure resulting in substantial failure of justice, this Court is competent to interfere.

In the instant case, the learned Subordinate Revisional Court appears to have proceeded principally on the consideration that the trial Court, whether it committed any wrong or fraud, detected in its decision, and that, in the interest of justice, he should be afforded another opportunity. Such reasoning failed to identify any specific material issue that could not be adjudicated on a sufficient legal basis.

It is well settled that **the object of procedural law is to facilitate the administration of justice, not to obstruct it; but at the same time, procedural indulgence cannot be extended so far as to destroy the finality of proceedings or confer an unfair advantage upon a litigant who failed to act with due diligence.**

In the facts and circumstances of the present case, I find that the learned Subordinate Revisional Court did not err in reversing the decision of the learned trial Court, having specifically and adequately considered the factual and legal aspects. The impugned order of the learned trial Court, therefore, cannot be sustained in its present form.

The settled doctrine of judicial precedent, founded upon the principles of consistency, certainty and predictability in the administration of justice, requires that established principles governing the exercise of revisional jurisdiction and finality be consistently adhered to, save in exceptional circumstances warranting departure therefrom. Judicial consistency and certainty would be undermined if judicial

economy were sacrificed whenever a litigant seeks to finality at trial.

For the reasons stated above, I find substance in the contention of the learned Advocate for the opposite parties that the learned trial Court fell into an error of law in allowing the application to deposit the consideration money with the compensation in a dead case. In this regard, I am of the opinion that the petitioners have to make their bed and lie in it, i.e., accept the consequences and results of their actions.

Accordingly, having found no merits, the Rule is discharged, without any order as to costs.

However, the Judgment and Order dated 01.04.2026 passed by the learned Senior District Judge, Natore allowing the Civil Revision No. 29 of 2025 and thereby reversing the Judgment and Order dated 27.05.2025 passed by the learned Joint District Judge, First Court, Natore, in Other Class (Shufa) Suit No. 36 of 2013, is hereby **affirmed and upheld**.

The petitioners, however, may withdraw the deposited money, which was accepted by the learned Trial Court vide its

Order dated 27.05.2025, upon an application by the petitioners, and the learned Trial Court is also directed to ensure that the petitioners receive the whole amount without any harassment and delay.

The order of stay, if any, granted earlier by this Court, stands **recalled and vacated**.

Let the Subordinate Courts Record (SCR), along with a copy of this judgment; be transmitted to the concerned Court forthwith.

Before concluding, the Court records its appreciation for the learned Advocate for the opposite parties, whose well-presented submissions assisted the Court in disposing of this Rule expeditiously.

Order accordingly.

(Abdur Rahman, J.)