

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

Present:

Mr. Justice Zafar Ahmed

Civil Revision No. 1952 of 2013

Md. Nazmul Matubbar being minor represented by
his father Nur Islam Matubbar

..... Petitioner

-Versus-

Khabir Sheikh and others

..... Opposite parties

Mr. Md. Amimul Ehsan, Advocate

..... For the petitioner

Mr. Mohammad Ali Azam, Advocate

.... For the opposite party No. 1

Heard and Judgment on: 22.08.2024

In the instant civil revisional application filed under Section 115(1) of the Code of Civil Procedure, this Court on 09.06.2013 issued a Rule calling upon the opposite party No. 1 to show cause as to why the judgment and order dated 14.11.2012 passed by the learned Joint District Judge, Faridpur in Miscellaneous Appeal No. 69 of 2010 allowing the appeal and setting aside the judgment and order dated 27.09.2010 passed by the learned Assistant Judge, Sadarpur (Bhanga), Faridpur in Miscellaneous (Pre-emption) Case No. 43 of 2006 rejecting the pre-emption case should not be set aside.

At the time of issuance of the Rule, the petitioner was a minor. Now, he has attained the majority. Today, the preemptee petitioner and preemptor opposite party No. 1 have jointly filed an application

for compromise. It is stated at paragraph No. 6 of the said application that being advised by the well wishers, the parties decided to compromise the matter and on 11.03.2024 executed a notarized solenama regarding the instant case. According to said solenama, the petitioner would get the land according to the impugned sale deed and preemptor Khabir Sheikh would get back the money deposited by him in the trial Court. The original copy of the solenama has been annexed to the application for compromise as Annexure-X.

I have heard the learned Advocates of both sides and perused the materials on record. Both the preemptee-petitioner and preemptor-opposite party No. 1 are present before the Court. I have examined them. I am satisfied that the solenama has been duly executed by the parties and that they have agreed to the terms and conditions contained therein.

Accordingly, the application for compromise is allowed. The Rule is made absolute in terms of the application for compromise.

The impugned judgment and order dated 14.11.2012 passed by the Joint District Judge, Faridpur in Miscellaneous Appeal No. 69 of 2010 is hereby set aside.

No order as to cost.

Office is directed to send down the L.C.R. at once.