

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(Civil Revisional Jurisdiction)

**Present:**

**Mr. Justice S.M. Masud Hossain Dolon**

**Civil Revision No. 4685 of 2002**

Mahatab Uddin Howlader.

. .... appellant-petitioner.

-Versus-

1(a) Parul Begum and others.

..... Defendant-opposite parties.

None appears.

**Heard & Judgment on: 12.02.2023.**

This Rule was issued calling upon the opposite-party No. 1 to show cause as to why judgment and decree dated 11.05.2002 passed by learned Additional District Judge, Pirojpur in Title Appeal No. 36 of 2000 dismissing the appeal and affirming the judgment and decree dated 27.02.2000 passed by learned Assistant Judge, Najirpur, Pirojpur in Title Suit No. 74 of 1996 should not be set-aside.

Short facts for disposal of this Rule, are that plaintiff-respondent opposite party no. 1 filed the Title Suit No. 74 of 1996 before the learned Assistant Judge, Najirpur, Pirojpur against the defendant for a decree of declaration of title to the suit land.

The learned Assistant Judge, Najirpur, Pirojpur after scrutinizing oral and documentary evidences submitted by the parties in support of their respective claims decreed the suit against which defendant as appellant filed Title Appeal No. 36 of 2000 before the learned District Judge, Pirojpur who transferred the same to learned Additional District Judge, Pirojpur for hearing and disposal. After hearing the parties learned Additional District Judge dismissed the appeal and affirmed the judgment and decree passed by learned Assistant Judge, Najirpur, Pirojpur against which the petitioner respondent filed the instant Revisional application and obtained Rule.

No one appeared though the case was repeatedly posted to the daily cause list of this Court with the name of the learned Advocates.

I have perused revisional application along with grounds stated therein, judgment and decree passed by the Trial Court and that of Appellate court. After considering both oral and documentary evidences adduced and produced by both parties to the original suit it appears that both the courts below gave concurrent findings and it is transpired that admittedly the

plaintiff and defendant are full brothers and that a sale deed and agreement of reconvey was registered between the plaintiff opposite party no. 1 and the defendant petitioners on 30.10.78 and it is also admitted that the defendant petitioner re-conveyed the suit land on 10.02.1982 by an agreement of reconvey. The main dispute arose between the two brothers that plaintiff failed to repay the money of Tk. 4500/- for re-convey of the suit land and such situation the defendant-petitioner could file money suit for recovery of Tk. 4500/- from plaintiff-opposite party. After careful examination of the evidences and other materials on record I do not find any misreading or non consideration of material evidence on record or any misconception of law resulting in an error in the decision occasioning failure of justice. There is no illegality in the impugned judgment and decree of court of appeal and as such, I find nothing to interfere with.

In that view of the matter I find no merit in this Rule.

Accordingly, the Rule is discharged.

The order of status-quo granted at the time of issuance of the Rule is hereby vacated.

Send down the L.C.R along with a copy of this judgment to the concerned Court for information and necessary action.

Asad/B.O