Bench:
Mr. Justice Md. Ali Reza

Civil Revision No. 2483 of 2024
Mosammat Sayeda Bewa alias Sayeda Bibi alias Sayeda
.....petitioner
-Versus-
Mosammat Fatema Bibi
.....opposite party

No one appears for the petitioner

Mr. Zulfiqur Ahmed with
Ms. Shadia Afrin Shapla, Advocates
.....for the opposite party

Heard and Judgment on: 29.01.2026

In the instant revision Rule was issued calling upon the opposite party to show cause as to why the judgment and order dated 21.04.2024 passed by the learned Senior District Judge, Rajshahi in Title Appeal No. 59 of 2021 rejecting an application under Order 41 Rule 19(A) of the Code of Civil Procedure should not be set aside and/or such other or further order or orders be passed as to this Court may seem fit and proper.

The opposite party as plaintiff filed Other Class Suit Number 81 of 2016 for cancellation of the document. The petitioner as defendant contested the suit. The suit was decreed by the trial Court on 06.06.2021. As against the same

defendant preferred Title Appeal Number 59 of 2021 before the Senior District Judge, Rajshahi. The appeal was fixed for hearing on 13.07.2023 and on such date the defendant-appellant filed an application for time which was rejected and the appeal was dismissed for default. As against the same the appellant filed an application under Order 41 Rule 19A of the Code of Civil Procedure on 16.07.2023 for readmission of the appeal. It appears from the record that the application under Order 41 Rule 19A was filed within time but the appellate Court most illegally rejected the application on 21.04.2024. As against the same the defendant as petitioner came before this Court and obtained this Rule on 11.06.2024.

No one appear on behalf of the petitioner.

The learned Advocate Mr. Zulfiqur Ahmed appearing on behalf of the opposite party submits that he does not have any objection against the contention made by the petitioner in the revisional application because law is in favour of the case of the petitioner and as such if the Rule is made absolute he has no grievance.

I have heard the learned Advocate for the opposite party and perused the application. It appears that the Rule definitely has got merit because the impugned order was passed against

the law as contemplated in Order 41 Rule 19A of the Code of Civil Procedure.

Accordingly the Rule is made absolute. The impugned order passed by the appellate Court is hereby set aside.

However the appellate Court is directed to dispose of the appeal as expeditiously as possible preferably within 06(six) months and the appellate Court is also directed not to allow any adjournment to either parties except extreme necessity.

The order of stay passed by this Court stands vacated.

Communicate this judgment to the concerned Court at once.

Md. Ali Reza, J:

Naher-B.O