

IN THE SUPREME COURT OF BANGLADESH
APPELLATE DIVISION

PRESENT:

Mr. Justice Md. Nuruzzaman
Mr. Justice Borhanuddin
Ms. Justice Krishna Debnath

CIVIL APPEAL NO. 81 OF 2008

(From the judgment and order dated 06.07.2006
passed by the High Court Division in Civil
Revision No.1113 of 2003)

Abdul Gaffar being dead his Appellants
heirs:1(a)Md. Sohel Mia and
others

=VERSUS=

Md. Abdul Miah and others ... Respondents

For the Appellants :Mr. Sheikh Reajul Hoque,
Advocate, instructed by
Mrs. Madhu Malati
Chowdhury Barua,
Advocate-on-Record

For the Respondents: :Mr. Jagadis Chandra
Sarker, Advocate,
instructed by Chowdhury
Md. Jahangir, Advocate-
on-Record

Date of hearing :The 15th February, 2022

Judgment on :The 22nd February, 2022

JUDGMENT

MD. NURUZZAMAN, J:

This Civil Appeal, by leave, has arisen out of the judgment and order dated 06.07.2006 passed by the High Court Division in Civil Revision No.1113 of 2002 making the Rule absolute reversing the judgment and decree dated 14.11.2001 passed by the learned Additional District Judge, 8th Court, Dhaka in Title Appeal No.389 of 1999 allowing the appeal and thereby setting aside the judgment and decree dated 10.06.1999 passed by the learned Senior Assistant Judge, Dhamrai, Dhaka in Title Suit No.188 of 1997 decreeing the suit.

Facts, leading to filing this civil appeal, in short, are that the respondent No.1 as plaintiff instituted Title Suit No.191 of 1993 against the defendant No.1 and others in

the Court of 2nd Assistant Judge, Dhaka for declaration of title and recovery of khas possession stating, inter alia, that Hari Charan Rishi was the original owner of the suit property along with other properties and during the Cadastral Survey (in short, C.S.) operation the suit land and other properties were correctly recorded in C.S. Khatian No.497 in the name of Hari Charan Rishi who had been enjoying the suit land by erecting tin shed house thereon and used to reside with his family members in the suit land on payment of rents to the Zaminder. While Hari Charan Rishi had been possessing the suit land, State Acquisition (in short, S.A.) operation started and the suit land bearing C.S. Plot No.1230 was recorded in his name in the S.A. Khatian

No.754. During S.A. operation 0.05 acres of the suit land was wrongly recorded in his name instead of 0.06 acres. After about two years of S.A. operation, Hari Charan Rishi died leaving behind two sons namely, Paban Chandra Rishi and Ram Chandra Rishi to inherit the properties including the suit land. Thereafter, while two brothers had been enjoying and possessing the suit land by inheritance, Paban Chandra Rishi died about two years before liberation of Bangladesh leaving behind only son namely, Pulin Chandra Rishi to inherit his father portion including the suit land. Thereafter, Ram Chandra Rishi died in the year 1977 leaving behind one son Shushil Chandra Rishi to inherit the share of his property. Pulin Chandra Rishi and Shushil Chandra Rishi who got the suit land

by way of inheritance and while they had been enjoying the same, left the locality for the good of their business. They went to Jurain Rishi Para under Demra Police Station and were settled there. Before leaving of the locality Sukdeb Rishi, a neighbor of Pulin Rishi and Shushil Rishi was requested to look after the suit land on their behalf. After some time Pulin Chandra Rishi left for Jurain Rishi Para and went to the village Kuthai under Keranigonj Police Station and settled there. However, frequently both of them used to visit the suit land. Pulin Chandra Rishi and Shushil Chandra Rishi had been enjoying the suit land through Sukdeb Rishi sold the suit land to the plaintiff by executing a saf-kabala registered deed dated 13.03.1986 bearing deed No.2513 and

handed over the possession of the suit land to the plaintiff on the same date. After purchasing of the above suit land the plaintiff was enjoying the suit land by mutating his name in the khatian and by paying rents to the Government. He constructed the pucca boundary wall surrounding the suit land. While he was peacefully possessing and residing in the suit land with his sister, another family member, the defendant Nos.1-7, in the first part of the month of September, 1991 claimed the suit land as their own and threatened to hand over the possession of the suit land in their favour on 20.02.1992 and they tried to dispossess the plaintiff from the suit land but they could not succeed. Being disappointed they threatened the plaintiff with dispossession from the suit land

at any time and, as such, the plaintiff has filed a suit for permanent injunction against the defendant Nos.1-7 in the Court of Second Assistant Judge, Dhaka being Title Suit No.52 of 1992. However, on 08.10.1992, the defendants dispossessed him from the suit land. Thereafter, he filed the instant suit withdrawing the Title Suit No.52 of 1992.

The defendants contested in the suit by filing written statement denying all the material allegations made in the plaint, contending, inter alia, that the suit is false, groundless and barred by limitation; neither it was evaluated properly nor adequate Court fees were paid. It is bad for defect of parties, hence, not maintainable in its present form and nature. The C.S. recorded holding owner Hari

Charan Rishi died circa 55 years ago leaving behind only son Paban Chandra Rishi who died leaving behind two sons namely Pulin Chandra Rishi and Ram Chandra Rishi as his legal heirs. They left the suit land Mouza after their father's death and start residing in the village named Utail belonged to Keranigonj Thana. Ramchandra Rishi and his mother Rotimonjuri sold half of suit plot no. 1230 to one Dr. Monoruddin. Monoruddin sold the same to Shashimohon Rishi through registered Kabala dated on 29.11.1948. Among them Shashimohon Rishi solely possessed the same through mutual arrangement and died leaving behind his mother Oishsorja Bala as the only heir. Pulin Rishi sold and handed over the possession of his portion of the suit land to Oishsorja Bala

through Sale deed no.13261, dated on 22.10.1960. Oishsorjo Bala sold and handed over the possession of the entire land to one Totazuddin on 23.04.1969 and he then sold and handed over the possession to one Habibullah on same day. Habibullah died leaving behind Md. Shafiullah as his legal heir. After his death, his heirs sold the same to the defendant no.7 through registered deed nos. 4683/1990 and 7402/1990. As the Khatian number was wrong recorded in the suit land and Totazuddin rectified it through registered deed on 22.08.1990. On 14.01.1993 the suit property was mutated and separate holding was prepared in the name of Md Shahidullah. The plaintiff purchased from one Sukhdeb Rishi's C.S. plot no. 1238 adjacent to the suit land. Sukhdeb was

never the caretaker of Shusil and Ramchandra. Shusil and Ramchandra never sold the suit land through registered Kabala no. 2513 of 1986. It is a forged deed and was not acted upon. Defendant no.7 is possessing the suit land by erecting semi pukka building, tin shed houses and tube well with boundary wall around it. The suit is liable to be dismissed with cost.

On conclusion of the trial, the learned Senior Assistant Judge, Dhamrai, Dhaka considering the evidences and documents on record decreed the suit by the judgment and decree dated 10.06.1999.

Feeling aggrieved, by the judgment and decree dated 10.06.1999 passed the trial Court, the defendant as appellant preferred Title Appeal No.389 of 1999 before the District

Judge, Dhaka. On transfer, the said appeal was heard by the learned Additional District Judge, Eighth Court, Dhaka, who by his judgment and decree dated 14.11.2001 allowed the appeal and thereby reversed the judgment and decree of the trial Court. The appellate Court below remanded the matter to the trial Court for re-trial.

Feeling aggrieved, by the judgment and decree dated 14.11.2001 passed by the Additional District Judge, Eight Court, Dhaka, the plaintiff as petitioner preferred Civil Revision No.1113 of 2002 before the High Court Division and obtained the Rule.

In due course, a Single Bench of the High Court Division upon hearing the parties made the Rule absolute by the impugned judgment and order dated 06.07.2006.

Feeling aggrieved by the impugned judgment and order dated 06.07.2006 of the High Court Division the defendant as petitioner herein preferred the Civil Petition for Leave to Appeal No.1511 of 2006 before this Division and obtained leave, which, gave rise to the instant appeal.

Mr. Sheikh Reajul Hoque, the learned Advocate appearing on behalf of the appellants submits that admittedly Hari Charan being the original owner of the suit land transferred the suit land in favour of Dr. Monoruddin by registered deed of sale dated 20.04.1948 and defendant-petitioner having produced said deed in the Court and same having been marked as Ext.'Kha' without any objection and in view of the said transfer, the heirs of Hari Charan

having lost their interest in the suit land, the trial Court was not correct in holding that the plaintiff has acquired title in view of sale deed of 1986 executed by the son of Hari Charan, P.W.3; that Pulin, a co-sharer of remaining 8 annas share in the suit plot having transferred his share on 22.10.1960 to Oisharaj and said document having been admitted into evidence as Ext.'Kha-1' without any objection, the trial Court illegally passed a decree in favour of the plaintiff in respect of the entire suit plot. He further submits that the Court of appeal below having remanded the suit to consider as to whether claim of the plaintiff regarding dispossession from the suit land by defendant No.7 is true or not and the instant suit being a suit for declaration of

title and recovery of khas possession, the High Court Division erred in decreeing the suit without arriving at a finding regarding alleged dispossession of the plaintiff in the suit land by the defendant No.7 and, as such, the judgment and order passed by the High Court Division is liable to be set aside.

Mr. Jagadis Chandra Sarker, the learned Advocate appearing on behalf of the respondents made submissions in support of the impugned judgment and order of the High Court Division. He submits that the judgment of the appellate Court below appears to be manufactory, perverse and affecting the merit of the case resulting the failure of justice. The learned Additional District Judge disclosed in his judgment that

the plaintiff examined three witnesses in this case to prove their respective cases. The appellate Court below further stated in his judgment that the defendant produced true copy of the (certified copy) of title deed of the same date, that is, on 23.04.1969 which was exhibited as exhibit Kha-3 and Kha-4 to prove their title. The appellate Court further mentioned in his judgment that although the defendants could not produce the original deed and also did call for Balam Book (Vollume) to prove the documents but still then in the contest of existence of these documents, the plaintiffs could not establish their title in the suit land. He next submits that the

appellate Court below found in his judgment that the defendant could not prove their title by producing the original title deed or by calling upon the Balam Book from the sub-registrar office and, hence, the High Court Division rightly made the Rule absolute and passed the impugned judgment, and, as such, the instant appeal may kindly be dismissed.

We have considered the submissions of the learned Advocates for the respective parties. Perused the impugned judgment of the High Court Division and other materials on record.

Leave was granted to examine the submissions of the learned Counsel for the present Appellants that admittedly Hari Charan

being the original owner of the suit land transferred the suit land in favour of Monoruddin Daktar by registered deed of sale dated 20.04.1948 and defendant-appellant no. 7 having produced the said deed in the Court and same having been marked as exhibit-'Kha' without any objection and in view of the said transfer, the heirs of Hari Charan having lost their interest in the suit land, the trial Court was not correct in holding that the plaintiff has acquired title in view of sale deed of 1986 executed by the son of Hari Charan, PW 3;

that Pulin, a co-sharer of remaining half share in the suit plot having transferred his share on 22.10.1960 to Oisharja and said document having been admitted into evidence as

Exhibit-'Kha-1' without any objection, the trial Court illegally passed a decree in favour of the plaintiff in respect of the entire suit plot.

That the learned Court of Appeal below having remanded the suit to consider as to whether claim of the plaintiff regarding dispossession from the suit land by defendant no. 7 is true or not and the instant suit being a suit for declaration of title and recovery of khas possession, the High Court Division erred in decreeing the suit without arriving at a finding regarding alleged dispossession of the plaintiff in the suit land by the defendant No.7.

Let us scrutinize whether these submissions are merit worthy.

It is evident on the perusal of the material on record that the plaintiff side got the ample opportunity in adducing adequate primary, secondary and oral evidences in supporting with their cases and relieves prayed for in the plaint. It is the sweet will of the parties concerned as to how they frame their respective pleadings and prayers etc.

It's true that a suit can be remanded by the appellate court with direction for giving findings and decision on certain issues where the trial court omitted to do so. As per Section 107 of the Code of Civil Procedure, 1908 the appellate court has the authority of remand of a case under the conditions

elaborated in Order 41, Rules 23 and 25. The appellate court can too put into effect the power of remand in exercise of its inherent power. These powers of the appellate court are not restricted to exact case mentioned in Rule 23. The court may also order a remand in cases other than those covered under Rule 23 and may do so also under Section 151 of the Code if it becomes necessary for the ends of justice. Even the High Court Division can make an order of remand while exercising revisional jurisdiction if it is so required for full and effective adjudication of all the relevant points involved in a case. No remand Order can however be made to facilitate a party to fill up the lacuna in his case.

However, it is now well settled that the remand orders are not to be made as a matter of course. The Courts is required to properly appreciate the relevance of the evidence on record before making such Order of remand. This notion was expressed in the case of Probohd Ranjan Shome Vs. Md. Easin, reported in 4 BSCR(AD) 457. Since there is no necessity for taking any further evidence in the interest of resolution of the dispute on title, no order of remand necessarily be passed. The above view was supported by this Division in the case of Sukumar Sen Vs. Gouranga Dey reported in 42 DLR(AD) 18.

Moreover, in the mean time 31 years have been elapsed. As such, for ends of justice, we

opine that the suit shall be decided on the basis of the materials on record.

This is a suit for declaration of title and recovery of khas possession. So, the plaintiffs are to prove their chain of title and mode of possession and date and time of the alleged dispossession.

The plaintiffs-Respondent's mode of ownership and possession over the suit land as made out in their written statement were that Hari Charan Rishi was the original owner of the suit property and the same were correctly recorded in CS Khatin No. 497 and during the SA operation the suit land bearing Plot No.1230 was recorded in his name, Hari Charan Rishi died after 02 years of SA operation leaving behind two sons namely, Paban Chandra Rishi and

Ram Chandra Rishi. Paban Chandra Rishi died about two years before liberation leaving behind only son Pulin Chandra Rishi. After that Ram Chandra Rishi died in the year 1977 leaving behind one son Shushil Chandra Rishi to inherit the share of the property. Pulin Chandra Rishi and Shushil Chandra Rishi left the suit land for the good of their business and they went to Jurain Rishi Para under Demra Police Station and were settled there. Before leaving of the suit land Sukdeb Rishi, a neighbor of Pulin Rishi and Shushil Rishi, was requested to look after the suit land on their behalf. After some time Pulin Chandra Rishi left for Jurain Rishi Para and went to the village Kuthai under Keranigonj Police Station and settled there and occasionally both of them used to visit the

suit land. Thereafter, since 1977 Pulin Chandra rishi and Shushil Chandra Rishi were enjoying the suit land through Sukdeb Rishi and thereafter they sold the suit land to the plaintiff by executing a saf-kabala registered deed dated 13.03.1986 bearing deed No. 24513 and handed over the possession of the suit land to the plaintiff on the same dated. After purchased of the suit land the plaintiff was enjoying the suit land by mutating his name in the khatian and by paying taxes to the Government. He constructed the pucca boundary wall surrounding the suit land. While he was peacefully possessing and residing in the suit land with his sister the defendant Nos.1-7, in the first part of the month of September, 1991 claimed the suit land as their own and

threatened to hand over the possession of the suit land in their favour on 20.02.1992 and they tried to dispossess the plaintiff from the suit land but they could not succeed. Being disappointed they threatened the plaintiff with dispossession from the suit land at any time and, as such, the plaintiff has a suit for permanent injunction. However, during pendency of the suit the defendants dispossessed them on 08.10.1992.

The plaintiff side was duty bound to prove the genealogy of their forerunner and mode of their possession and dispossession over the suit land. However, they skipped the burden of proving the chain of ownership upto 1977 that is prior to their deed of purchase. No certificate of death or inheritance of the

concerned, Voter list, Nationality certificates were submitted and reliable oral evidences too were not adduced to establish their chain of title over the suit land. As the defendants made out their own chain of title with registered deeds alongwith possession over the suit land it was imperative on the plaintiffs to prove all of the facts relevant for the sake of establishing title, possession and dispossession alleged. On weighing the evidences it transpires that they were failed to discharge the duties. Nonetheless, the learned Judge of the trial Court decreed the suit ignoring these facts and drawn some irrelevant and self explanatory presumptions as to the aliveness of the CS owner during SA operation, awarding presumptive value of

correctness of SA Khatians and inferring some sort of title from SA Khatian in favour of CS owner. Moreover, the trial Court strangely bypassed deeds of the defendants registered prior to the deeds of the plaintiffs without any convincing findings. High Court Division too relied on these grounds in decreeing the suit without considering the legal process and material on record of the suit, we are, therefore, of the view that it has committed Legal error.

PW 2 in relation to the alleged dispossession in his examination in chief only said that -the defendants dispossessed the plaintiffs in the year of 1992. He did not mention the date and mode of dispossession. He even was silent as to whether he was present on

the place of occurrence on the date and time of the alleged dispossession.

And PW 3 in his examination in chief remained silent concerning the alleged dispossession.

The crux point of the case is why the plaintiff himself was not adduced as witness to prove the averments of the plaint, specially, the material fact of possession and dispossession.

P.W.1, son of the plaintiff, testified as attorney of the plaintiff, who also not visual witness of occurrence of the dispossession, nor any other ocular witness was adduced as witness of the said occurrence, the plaintiff specially in para 8 of the plaint, it has been described

that "উক্ত ৮/১০/৯২ ইং তারিখে বাদী উপরোক্ত দেওয়ানী ৫২/৯২ নং মোকদ্দমায় হাজিরা দেন, অপর দিকে বিবাদীপক্ষে নালিশী সম্পত্তির দখল, আকৃতি প্রকৃতি ইত্যাদি বিষয়ে স্থানীয় পরিদর্শনের

জন্য একজন এডভোকেট কমিশনার নিয়োগের আবেদন জানান এবং স্থানীয় পরিদর্শনের প্রতিবেদন দাখিল সাপেক্ষে বক্রী শুনানী মূলতবীর আবেদন করা হয় ও মাননীয় আদালত বাদী পক্ষের আপত্তি স্বত্বেও বিবাদী পক্ষের দরখাস্ত ২টি মঞ্জুর করেন। উক্ত ৮/১০/৯২ ইং তারিখেই সকাল অনুমান ১০/১০^১ টার সময় বিবাদীগণ তাহাদের দলীয় অনুমান ৫০/৫৫ জন লোকজন নিয়া মারাত্মক অস্ত্র সস্ত্রে সজ্জিত হইয়া নালিশী সম্পত্তিতে বে-আইনী ভাবে অনুপ্রবেশ করিয়া বাদীর উপরোক্ত লোকজনকে মারপিট করিয়া নালিশী সম্পত্তি হইতে তাহাদের মালামালসহ বাহির করিয়া দেন ও নালিশী সম্পত্তির দখল নেয়। তারপর বিবাদীগণ বহু লোকজন লাগাইয়া দুই দিনের মধ্যেই নালিশী সম্পত্তির উত্তর-পূর্ব কোনে থাকা বাদীর মাটির দেওয়াল বিশিষ্ট উপরোক্ত দো-চালা টিনের ঘর উঠাইয়াছে ও উত্তর-পশ্চিম দিকের মাটির দেওয়াল বিশিষ্ট দো-চালা টিনের ঘরটি ভাঙ্গিয়া ফেলিয়াছে এবং পূর্ব পার্শ্বে একটি এক চালা টিনের ঘর উঠাইয়াছে। ”

On a plain reading the above pleadings it is crystal clear that the P.W.1 attorney, P.W. Nos.2 and 3 were not present at the time of occurrence of dispossession as alleged by the plaintiff.

In term of provision of Rules 1 and 2 of Order III of the Code of Civil Procedure attorney to act on behalf of the principal,

which confines, only in respect of "acts" done by the power of attorney holder in exercise of power, granted by the instrument. Moreso, plaint was filed by the Principal, not through the power of attorney holder. Principal if testify, adverse party is entitled to be cross examined and can find out actual fact of occurrence. We, are, therefore, of the view that the attorney cannot depose for the principal in respect of any specific fact or occurrence or subject matter which only principal have a personal knowledge. In support of our above view reliance can be placed to the case of Janki Vashdeo Bhojwani and others -Vs- Indusind Bank Ltd. and others in Civil Appeal No.6790 of 2003, judgment on 06-12-2004 reported Manupatra/SC/0127/2004 at page SCC 587.

As such, this Division opines that the alleged dispossession was not proved.

On the point of several transfers of the same land the provision of laws as articulated in the section of 48 of the Transfer of Property Act, 1882 is as such-

"Priority of rights created by transfer

48. Where a person purports to create by transfer at different times rights in or over the same immoveable property, and such rights cannot all exist or be exercised to their full extent together, each later created right shall, in the absence of a special contract or reservation binding the earlier transferees, be

subject to the rights previously created."

In the present case the predecessor of the respondents-plaintiffs Hari Charan Rishi sold the suit land to the predecessor of the appellant-defendants almost 38 years ago. Consequently, on this aspect of law too the respondents-plaintiffs title must be superseded by the deed of the other side.

In the case of Moksed Ali Mondal being dead his heirs Md. Abdul Mannan and Others vs. Abdus Samad Modal and Others reported in 9 BLC(AD) (2004) 220 this Division reiterated the long standing pivotal view regarding civil matters set out by the highest courts of our legal system by viewing that-

"It is cardinal principle of law that the plaintiff is to prove his case and he must not rely on the weakness or defects of defendant's case."

It has too been held in the case of Naimuddin Sarder vs Abul Kalam reported in 39 DLR (AD) 237 that the plaintiff cannot get the decree on the weakness or failure of the defendants to prove his defence.

Regarding correctness of entries in the record of rights Sir Lawrence Jenkins in delivering the judgment of the Judicial Committee of Privy Council in the case of Dakas Khan Vs. Ghulam Khan Qasim I.L.R. 45 Cal. 793 28 C.L.J. 441 explained the nature of an entry

in a record of right, as is generally understood in the following words :

"A record of rights has been described by Sir Henry Maine as a detailed statement of all rights in land drawn up periodically by the functionaries employed in setting the claims of the Government to its shares of the rental.....Though it does not create a title, it gives rise to a presumption in its support, which prevails until its correctness is successfully impugned."

Under the Chapter X of Bengal Tenancy Act, 1885 such the presumption as the correctness of the entries in the CS Record of rights arose by virtue of sub-section (5) of section 103B of

the Act. However, there is no such presumption of correctness was available in respect of SA Khatians as the same were prepared on the tables instead of field cadastral survey. This notion were ratified by various decisions of this Division such as in case of Abdul Aziz vs. Hindu Deity Luxmi Gobinda Jew and others and Abdul Gafur and others Vs. Md Abdur Razzak and others reported in 58 DLR(AD) (2006) 206 and 62 DLR(AD) (2010) 242 respectively.

On these legal scheme the trial court's decision on the subject of continuation of ownership of the CS recorded owner Hari Charan Rishi over the suit land on the basis of SA record which was contrary to the registered deeds, in our opinion, is revoltingly incorrect.

As per the law enunciated in the sections of 91 and 92 of the Evidence Act, 1872 documentary evidences shall prevail over oral evidences. On that point this Division pointed out in the case of Mrs. Feroza Majid and another Vs. Jiban Bima Ccorporation represented by its Managing Director reported in 39 DLR(AD) (1987) 78 that-

"There is uniformity of judicial authorities on the question of exclusion of oral evidence by documentary evidence, and it is an established Rule of evidence that oral evidence is inadmissible for the purpose either of construing the terms of a document or of ascertaining the terms of a document or of ascertaining

the intention of the parties thereto. The Judicial Committee of the Privy Council in the case of Balkrishan Dal V. Legge, 27 I.A. 58 considered the question whether two deeds of conveyance produced before them were sale-deeds or mortgage deeds and observed :

Their Lordships do not think that the oral evidence of intention is admissible for the purpose either of construing the deeds or of proving the intention of the parties, as Section 92 excludes any such evidence, subject to certain exceptions."

Regarding the presumptive value of certified copies of a documents Section 79 of the Evidence Act says-

"Presumption as to genuineness of certified copies

79. The Court shall presume every document purporting to be a certificate, certified copy or other document, which is by law declared to be admissible as evidence of any particular fact and which purports to be duly certified by any officer of the 28[Government] to be genuine: Provided that such document is substantially in the form and purports to be executed in the manner directed by law in that behalf.

The Court shall also presume that any officer by whom any such document purports to be signed or certified, held, when he signed it, the official character which he claims in such paper."

As the appellants-defendants produced certified copies of the registered deed which is almost 40 years older in terms of time of execution of the respondents-plaintiffs, this long gap cannot be filled in only by the description in the plaint and that too were not proved.

Accordingly, we find merit in the submissions of the learned Counsel of the appellants.

The reason elaborated above we find that the impugned judgments and orders of the High Court Division calls for interference.

In the result, this Civil Appeal is allowed. The judgment and order of the High Court Division is set aside and the suit is dismissed, however, without any order as to cost.

J.

J.

J.

The 22nd February, 2022
Hamid/B.R/*Words 4,734*