

In the Supreme Court of Bangladesh
High Court Division
(Civil Revisional Jurisdiction)

Present:

Mr. Justice Md. Emdadul Huq

Civil Rule No.1065(Con) of 2011..

In the matter of:

Government of the People's Republic of
Bangladesh represented by the Deputy
Commissioner, Sirajganj.

.....Petitioner.

Versus.

Md. Sahidul Alam Shaikh

.....Opposite party.

Mr. Md. Harun-Ar-Rashid, DAG.

.....For the petitioner.

Mr. M. G.H. Ruhullah, Advocate.

.....For the opposite party.

Heard on: 24-11-2014.

Judgment on: 15-12-2014

The Rule issued in this Case is about condonation of the delay of 414 days under section 5 of the Limitation Act, 1908 for the purpose of filing a Civil Revision against the judgment and order dated 9.11.2009 (decree signed on 16.11.2009) passed by the learned District Judge, Sirajganj in Other Class Appeal No.105 of 2007.

The petitioner has explained the delay to the effect that the learned Government Pleader applied on 13.07.2009 for certified copy and after receipt thereof forwarded the same to the R.M. Section of the D.C. office on 15.7.2010.

Thereafter the D.C. office sent the relevant documents to the Solicitor Wing of the Law Ministry which received the same on 02.08.2010.

After examination of the relevant papers and obtaining decision of the Senior Officers, the Solicitor Wing sent the relevant documents to the Office of the learned Attorney General on 30.08.2010, and the matter was assigned to an A.A.G. on 5.9.2010 who after scrutiny prepared the draft revisional application and collected necessary court fees and obtained signature of the Taidbirkar of the Government on 19.01.2011, and finally filed the application on 21.7.2011.

At the hearing of this Rule Mr. Md. Harun-Ar-Rashid, the learned Deputy Attorney General, submits that the delay has been sufficiently explained with reference to the relevant dates and the time consumed at various offices of the Government and therefore the delay should be condoned.

In reply Mr. M.G.H. Ruhullah, the learned Advocate for the opposite party with reference to the counter affidavit, submits that the undue delay of 414 days has not been sufficiently explained.

In support of his submission Mr. Ruhullah, the learned Advocate refers to the case of Bangladesh Vs. Abdul Wahab and others reported in 11 BLD (1991) page-565 in respect of the principle to be followed in a case condonation of delay under section 5 of the Limitation Act, 1908.

I have perused the materials on record and considered the above submission.

It appears that the present petitioner, being a Government functionary, has sufficiently explained the delay that took place at the various offices of the Government due to the lengthy process involved in making decision for filing a Civil Revision. There was no negligence on the part of the petitioner.

The above noted case as referred to by Mr. Ruhullah the learned Advocate for opposite party also speaks of due diligence and care and the necessary for furnishing sufficient explanation.

I am satisfied about the explanation furnished by the petitioner and hold that the delay may be condoned.

In the result, the Rule is made absolute. The delay of 414 days in filing the Civil Revision against the judgment and order dated 09.11.2011(decreed signed on 16.11.2009) passed by the learned District Judge, Sirajganj in Other Class Appeal No.105 of 2007 is hereby condoned.

No order as to cost.

Office is directed to take necessary step for placing the Revisional application before an appropriate Bench.

B.Hossain.