

Dcw̄nZt̄
vePvicw̄Z tkL t̄gt Rwk̄i t̄n̄fmb

mw̄fj i'j bs̄ 725(Kb)/2005

evsj v̄`k mi Kvi c̄f̄, _vbn v̄bev̄x Aw̄dmvi , bvMi c̄j , UvsMvBj Ms
ĐĐĐĐweev`x̄ c̄Zev`x̄ `i Lv̄Kvi x̄MY |
Đ ebḡ Đ

Zv̄t̄j ej i ngvb Lvb Ms
ĐĐĐĐĐ ev`x̄ĐAv̄cxj Kvi x̄ĐAc̄i c̄f̄MY |

Rbve, t̄gt Av̄ā̄m mvj vg ḡŪj ,
ĐĐĐĐĐW̄c̄j Ḡv̄Uwb̄R̄bv̄t̄j , Av̄te`bKvi xi c̄f̄ |

†KD Dcw̄nZ bq
ĐĐĐĐĐ Ac̄i c̄f̄M̄t̄Yi c̄f̄ |

i'bv̄x Ges i v̄q c̄Ōv̄bi Zwi L t 11/5/2010Bs

Bnv 1908 mv̄t̄j i Zvgw̄ Av̄B̄t̄bi 5 av̄ivi weav̄b Ab̄hv̄qx wi wf̄kb Av̄te`b `w̄L̄t̄j i t̄f̄T̄
300 w̄`b wej ̄q̄ gl K̄t̄di Rb` weev`x̄c̄Zev`x̄ `i Lv̄Kvi x̄ mi Kvi x̄ c̄f̄ `w̄L̄j KZ GKw̄
Av̄te`b c̄T̄ | ĀT̄ nv̄B̄t̄Kv̄Ūef̄v̄t̄Mi weÁ GKw̄ GKK teÁ 7/8/2005Bs Zwi t̄L Ac̄i c̄f̄M̄t̄Yi
wei`t̄x̄ v̄bt̄ḡe³ ḡt̄ḡe³ j w̄ Rvi x̄ K̄t̄i bt̄Đ

“Let a Rule be issued calling upon the opposite parties to show cause as to why the delay of 330 days in filing the revisional application should not be condoned and/or such other or further order of orders as to this Court may seem fit and proper.

The rule is made returnable within 8 (Eight) weeks”

ĀT̄ i'j w̄ v̄b̄-úw̄Ei m̄t̄c̄f̄ m̄sv̄f̄B̄ NUBvej x̄ GB th, ev`x̄ĐAv̄cxj Kvi x̄ĐAc̄i c̄f̄
t̄gv̄K̄i ḡvi Zdk̄t̄j i bw̄j kx̄ m̄áúw̄Ē Av̄c̄Z̄ I Av̄bevm̄x̄ m̄áúw̄Ē b̄t̄n̄ ḡt̄ḡe³ Nvl bvi w̄w̄w̄i c̄Ō_Đv̄q

bvMicj mnKvix RR Av`vj Z, UvsMvBj t`l qvbx tgvKÍ gv bs Ab` 68/1985 `vtqi Ktib| 1
 bs weev`x miKvi I 6, 7 bs weev`x nvrRi nBqv c_K c_Kfvte Reve `vLj Ktib Ges Dfq
 ct¶i `vLj xq KvMRcÍ, mv¶i` cgvb chv¶j vPbv Kwi qv 29/4/2001Bs Zvwi tL cÖZ`w` ZvKvix
 weev`xM¶Yi wei`tx t`vZidv m¶Í Ges Ab`vb` weev`xM¶Yi wei`tx GKZidv m¶Í tgvKÍ gvW
 MI Qipq Lwi R nq| AZtci ev`xAcic¶ D³ Lwi R Avt`k I Ww¶i wei`tx rÈ qCu; weÁ
 tRjv RR Av`vj Z, UvsMvBtj Ab` Avcxj bs 138/2001 `vtqi Ktib| D³ Avcxj wJ weÁ h¶Y
 tRjvRR, 4_©Av`vj Z e`j xg¶j cÖB nBqv weMZ 18/5/2004Bs Zvwi tL Dfqct¶i weÁ
 AvBbRwe gtnv`qt`i Dcw`nwZtZ `ibvbx MhY Kwi qv cÖZw`DcÖZev`xt`i wei`tx t`vZidv
 m¶Í Ges Acivci cÖZev`xt`i wei`tx GKZidv m¶Í gAj Gi Avt`k t`b Ges
 wbgw`vj tZi Ab` 68/85t` t tgvKÍ gvq MZ 29/4/2001Bs Zvwi tL cÖ È Lwi tRi ivq Ww¶i
 i` I iwnZ Kwi qv t`l qvbx 68/85 bs tgvKÍ gvi cÖZw`Dweev`xM¶Yi wei`tx t`vZidv Ges
 Acivci weev`xM¶Yi wei`tx GKZidv m¶Í wevDLi Pvq Ww¶i cÖ vb Gi Avt`k t`b|

kvnvi cwi tct¶i tZ 1 I 2 bs weev`x DcÖZev`x`i Lv`Kvix evsj vt`k miKvi Gi ct¶i
 AÍ wi wfk b Avte`b `vtqi Ktib wKšy BwZgta` 330 w`b wej ¶j nq| Zrtct¶i tZ AÍ Zvgw`
 gl Ktdi Avte`b Ges AÍ i`j |

wej t¶j KviY wnmvte `i Lv`Kvix তাহাদের `i Lvt`-miKvix c¶uqv tK `vqx Ktib| `i Lv`-
 Kvix `i Lvt`-বিলম্বের ৪টি কারণ উল্লেখ করেন (ক) তর্কিত রায় ও ডিক্রি প্রচারের পর নিম্ন Av`vj tZi
 ivq I Ww¶i mCtgvniKZ bKj cvl qvi Rb` h_vh_ c`¶¶c MhY Ktib Ges ev`e m¶gZ
 mgtqi gta` Dnv msMh Ktib| (L) ivq I Ww¶i bKj msM¶ni ci tRjv c¶vmK gtnv`q
 cieZx©Kvh¶tgi I c¶qvRbxq civgtk¶ Rb` tKm bw` mn ZwkZ ivq Ww¶i Kwc weÁ wRwc
 (miKvix Dj K) gtnv`q eive¶i tçY Ktib thLv t b w_wJ tek wKQy w`b fcsuj _vKvq wej t¶j
 KviY nBqv tQ (M) AZtci wRwc Awdm nBtZ bw_wJ cÖB nBevi ci tRjv c¶vmK D³ bw_wJ
 AvBb g¶GYvj vtqi mwj wui Awd¶m tçY Ktib, Zrci mwj wui Awdm nBtZ fvg g¶Í Yvj tq

bw_wU c00qRbxq e've_nv Mh†Yi Rb" tc0Y Kiv nq| (N) AZtci fyg g†Yvj q Zvnt† i
wb†qwiRZ weÁ AvBbRxx g†nv`qtK wmwfj wiwfk b `†qi Kivi Rb" `wqZ! Ac† K†ib| weÁ
AvBbRxx AvBbMZ LiPv wbev†ni Rb" †L†cSne † l qvi ci Ab†gv` b c0†Bi Rbv Av†iv wKQy
wej †nq BZ`w` Kvi †Y 330 w` b wej †nBqv†Q যাহা অনিচ্ছাকৃত এবং দরখাস্তকারী পক্ষের নিয়ন্ত্রণের
বাইরে।

`iLv-Kvixi c†¶ weÁ †Wc†U A`vUwb†Rb†ij Rbve Avājn mvj vg gUj Dcw_nZ
nBqv `iLv†† eY†v mg_† Kwiqv e`e` tck K†ib th, miKvix bw_c† Av`vb c0††bi
c×wZMZ R†Uj Zvi Kvi†Y wiwfk b `†qi wej †nBqv†Q| Dnv m†cY† Anb"QvKZ Ges
`iLv-Kvixi wbqšY ewnf†| `iLv-Kvix B"QvKZ GB wej † NUvb bvB Ges a†L†† ivq wWw†
weÁ wbgw† vj Z l Avcxj Av`vj Z wecixZg†x (Reversal) w×v†- w`qv†Qb, tm†nZy wej †
gl Kd Kwiqv miKvi† `iLv-Kvix †K D"†Zi Av`vj †Z wiwfk b Av†e`b `wL†j i m†hvM c0_†v
K†ib| wZ†v Av†iv wb†e`b K†ib th miKvix wew†b†e`††i bw_c† Av`vb c0††bi c×wZMZ
Kvi†Y wej † nq Ges we†q†w c††w† Z l wbqš††bi ewnt†i Z†v b`vq wePv††i m††_†wej † gl Kd
Kwiqv i"j wU H††hp†mEV Kwi†vi wb†e`b tck K†ib, Ab`_vq miKvi/RbM††bi Acj b†xq ¶wZ
nB†e|

i"j wU we††iwaZv Kivi Rb" ev`x†Avcxj Kvi†x†Acic†¶ †Kn nwi†i nb bvB| hw l ev`x
Avcxj Kvi† Acic†¶i weÁ AvBbRxxe g†nv`†qi bvgmn %wbK Kv†hZw†j Kiv GKwaKevi Qvcv
nBqv†Q|

`iLv-কারীর বিলম্ব মওকুফের জন্য যে কয়টি কারণ উল্লেখ করিয়াছেন তাহা সকল সরকারী
Awd†m bw_c† Av`vb c0††b c×wZMZ we†q wKš' †Kvb `†i nB†Z †Kvb Zwi†L D³ bw_
cvw††bv nBqv†Q, wK†v†a ফেরৎ পাঠাইয়াছে তাহার কোন দিনক্ষন এবং স্মারক নম্বর উল্লেখ নাই। যাহা
উল্লেখ করা উচিত ছিল বলিয়া আদালত মনে করে, Zv†v nB†j wiwfk b Av†e`b `†qi †¶††

wej ʘ gl Kʘdi Kwitʘ nBʘZ Bnv tKvb Ae-nvqB tilqvS nBʘZ cvʘi bv| miKvi cʘʘʘK
 wej ʘ gl Kʘdi `iLv- `vLʘʘi tʘʘʘi Avʘiv mZK^o nBʘZ nBʘe, Ab`_vq RbmviYB
 ʘʘZM^o-nBʘe| `iLv-Kvixi `iLv- clci ne Avʘe`b `vLʘʘi tʘʘʘi wej ʘʘʘi th KviY_ʘj
 উল্লেখ করিয়াছেন তাহার ধারাবাহিকতার সংগে আমি GKgZ, thgbʘZwKʘ Avʘ`kmn vbgʘe vj ʘZi
 ivq vWvʘi mB tgvniKZ bKj msMh, tRjv cʘvmK Gi Kvhʘq nBʘZ Zvrv AvBbMZ
 civgʘkʘ Rb` weÁ vR vC (miKvix DvKj) eiveʘi tcʘY, gZvgZ mn D³ bv_ mʘj vmi Awdʘm
 tcʘY, mʘj vmi Awdm nBʘZ fʘg gʘʘYvʘʘq tcʘY, fʘg gʘʘYvʘq nBʘZ Zvrv`i vbʘqvmRZ
 weÁ AvBbRvex gʘnv`ʘqi eiveʘi tgvKivʘi tcʘqRvʘq KvMR tcʘY, weÁ AvBbRvex
 gʘnv`q cʘqRvʘq LiPv msMh ceʘ viwfkb Avʘe`b `vLj BZ`w`, vKŠ GB cʘvZ_ʘj
 cʘZcvʘʘb cʘZ `Bʘi ZvviLmn GK GKvU mʘiK bʘʘi fʘsqvʘQ, hvnv Zvgw` gl Kʘdi
 `iLv-উল্লেখ করা উচিত ছিল। তবে উল্লেখিত পদ্ধতিগুলি পরস্পর সম্পৃক্ত এবং তাহা
 cʘZcvʘʘb Qvov miKvi cʘʘ viwfkb Avʘe`b `vLj Kiv mʘeci bq weavq vʘvʘš_ʘj i
 AvʘvʘK `iLv-Kvixi wej ʘ gl Kʘdi KviY_ʘj chvʘ vetePbvq Av`vj Z cvʘcyi mšé bv
 nBʘʘ I mšé| GB tʘʘʘi Additional Deputy Commissioner (Rev) –
 Vs- Md. Khairullah 49 DLR 472 Gi vʘvʘš- cʘZavbʘhvM` hvnv vbgʘe`c “
 The Government as a litigant had been very active and it
 had no negligence in pursuing the matter. The question is
 not the days of delay, it is the manner and bonafide how the
 delay is explained”

AZGe, Dctiv³ Avʘj vPbv, chvʘj vPbv, উল্লেখিত নজির সমূহের সিদ্ধান্তে Avʘj vʘK
 Ges thʘnZy ZvKʘ ivq vWvʘi vepvii K Av`vj Z I Avʘxj Av`vj Z vi cixZgvl (Reversal)
 thʘnZyD`P Av`vj ʘZ vclqvU vb`úvÉi mʘʘ^o `iLv-Kvix miKvi cʘʘʘi Zvgw` gl Kʘdi

`iLv- wePvq tbi qv b'vq wePvq i cwi cwišn bq ewj qv Av`vj Z gtb Kti | GgZve`nvq
 `iLv`Kvix miKvi ct¶¶ wZwfk b Avte`b `vtqi Zvgw` AvBtbi 5 avivi weavb Abhvqx
 mgq ewZ Kiv hvBtZ cvti, kw`l wiZwfk Avte`b `vtqi t¶¶t¶ mgqmxgv wvav¶ Z bv
 _wKtj l 90 w`tbi gta` Zvrv dvBj Kivi wvqg iwnqv¶Q G t¶¶t¶ Avgt`i mtev¶
 Av`vj tZi 17 BLD(AD)57, Additional Deputy Commissioner (Rev) &
 Assistant Custodian vested property, Serajgonj -Vs- Md. Abdul
 Majid and others tgvKt' gvq wmxvš-nq th, "The Limitation Act does not
 provide any specific period of limitation for tiling a civil
 revision under section 115 of the Code of Civil Procedure but
 the long standing practice, which has been continued over
 decades requires that a revision application is to be filed
 with a period to go days, which is prescribed by law for an
 appeal. The High Court Division may of course in its
 discretion entertain application beyond that period in a
 suitable case with there is no negligence or laches on the
 part of the petitioner" AZGe, mweR Avtj vPbv, chv¶j vPbv l wePvq GB
 gtg© wmxvš- DcwbZ nBj vg th, दरखास्तकारी दरखास्त এবং बजब्ये यथायथ मेरिट आहे विधाय
 wi wfk b Avte`b `vtqi t¶¶t¶ 330 w`b wej ¶¶ gl Kd wePvq Kiv kvBtZ cvt l weavq i"j wU
 HÉjhp¶mEV n l qv DvPr |

AZGe,

dj v dj ,

AÎ i“j wU webv LiPvq HÉjhp0mEV nBj | रिभिशन आबेदन दायेर एर ङ्खेत्रे ३३० दिन

ajj;ç j JLg LI; qCmz

Awdm‡K जरूरी भित्तिते देओयानी मोशन बेण्ठे विषयति उपस्त्रापन करार जन्य निर्देश देओया

qCmz