

**IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(CIVIL REVISIONAL APPLICATION)**

Present:

Mr. Justice Mohi Uddin Shamim

**Civil Rule No. 389 (Con) of 2019**

IN THE MATTER OF:

An application under section 5 of the  
Limitation Act, 1908 for condonation of delay  
of 125 days in filing the instant revision.

AND

IN THE MATTER OF:

Goljar and others

.... Plaintiff-petitioners

-Versus-

Mina Akter and others

.... Opposite parties

Uzzal Bhowmick, Advocate with

Md. Shofiqul Islam, Advocate

... For the plaintiff-petitioners

**Heard and Judgment on 28.10.2024**

On an application under section 5 of the Limitation Act, this Rule was issued calling upon the opposite parties No.1-5 to show cause as to why the delay of **125 days** in filing the revisional application should not be condoned and/or pass such other or further order or orders as to this Court may seem fit and proper.

It appears from the record that, the present petitioners preferred the instant Civil Revision application under section 115 (4) of the Code of Civil Procedure against the judgment and order No.05 dated 19.09.2018 passed by the learned District Judge, Kishoregonj in Civil Revision No.35 of 2018 disallowing the revision filed against the judgment and order dated 25.06.2018 passed by the learned Senior Assistant Judge, Bajitpur, Kishoregonj in Other Partition Execution Case No.02 of 2018, arising out of Partition Suit No. 609 of 1983 renumbered as Partition Suit No.95 of 1993 rejecting the application for stay of the said Execution Case.

Being aggrieved, the petitioners filed this revision application under section 115 (4) of the Code of Civil Procedure before this Court with a delay of 125 days; hence the instant rule.

No one appears for either of the parties to press or oppose the rule.

Since the rule is a long pending one, thus I do think justice would be best served if I do dispose of the rule on merit.

In order to dispose of the rule on merit, I have gone through the application under section 5 of The Limitation Act, filed by the petitioner for condonation of delay and carefully considered the submissions so figured out there in the application. In paragraph No.3 of the application,

learned counsel for the petitioner elaborately and explicitly explained the reasons of delay, which are found to be reasonable and satisfactory for condoning the delay in filing the instant revision application. Here in this case the delay of **125 days** is not inordinate one and the same has properly been explained in the application for condonation of delay.

There is a long standing practice that, this Court may in its discretion entertain an application made for condonation of delay in a suitable case, where there is no negligence or laches on the part of the petitioner(s). The long standing practice does not call for any departure. The statements made in the application for condonation of delay are sufficient to condone the delay. Since the explanation for condonation of delay is satisfactory, I am inclined to condone the delay.

Accordingly, the Rule is made **absolute** without any order as to costs.

The delay of **125 days** in filing the revision application is hereby condoned.

The petitioners are hereby directed to take necessary steps for hearing of the revision application in an appropriate bench as early as possible.

The office is directed to do the needful.