

**Present:**

Mr. Justice Md. Salim

**CIVIL RULE NO.415 (CON) OF 2021**

Government of Bangladesh, represented  
by the Deputy Commissioner, Narail  
.....Petitioner.

**-Versus-**

Muklesur Rahman Molla and  
Samirunnesa being died their legal heirs:  
Shahidul Islam Molla and others  
..... Opposite parties.

Mr. Waliul Islam Oli, D.A.G. with  
Mr. Mohammed Shaif Uddin Raton, A.A.G.  
Mr. Md. Nasimul Hasan, A.A.G.  
..... For the petitioner.

Ms. Sayeda Shoukat Ara, Advocate.  
.... For the opposite party Nos.1(a)-1(i)

**Heard on 20.02.2025 and 06.03.2025****Judgment on 06.03.2025**

This Rule arises out of an application made under Section 5 of the Limitation Act for condonation of delay of 1512 days in presenting the revision application against Judgment and order dated 11.08.2015 passed by the learned District Judge, Narail in Title Appeal No.25 of 2014 dismissing the appeal being barred by limitation.

Facts, in a nutshell, for disposal of the appeal are that the present opposite parties, as the plaintiff instituted Civil

Suit No.60 of 2000 before the Assistant Judge, Kalia, Narail, for a declaration of title in the suit land.

The defendant No.1-petitioner contested the suit by filing a written statement denying all the materials averments made in the plaint.

Subsequently, the learned Assistant Judge, Kalia, Narail, by the Judgment and decree dated 18.04.2001, decreed the suit. Against the above Judgment and decree, the Government preferred Title Appeal No.25 of 2014 before the District Judge, Narail. Subsequently, the learned District Judge, Narail, by the Judgment and decree dated 11.08.2015, dismissed the appeal being barred by limitation with a finding that the explanation given in the application of condonation for delay is unsatisfactory.

Being aggrieved by the above Judgment, the defendant-petitioner preferred this Civil Revision with a delay of 1512 days under section 115(1) of the code of civil procedure with an application under section 5 of the Limitation Act for condonation of delay of 1512 days and obtained the instant Rule.

Mr. Waliul Islam Oli, learned Deputy Attorney General, appeared on behalf of the petitioner-government by filing a supplementary affidavit submits that the impugned judgment

and decree passed on 11.08.2015 and the petitioner applied for the certified copies of the same on 27.08.2015 which were got delivered on 22.09.2015. After receiving the certified copies of the above were sent to the Solicitors Office on 26.09.2015 and the same were received on 26.01.2016 by the Solicitors Office. After completion of the official formalities sent the record to the Attorney General's Office on 07.04.2016 which were received on 12.04.2016. After that the records were sent to the relevant department for completion of the remaining official approval. Records were subsequently received by the concerned Assistant Attorney General on 31.12.2020. Thereafter, the Government due to (pandemic) situation of the COVID-19 and for declaration of lockdown could not file the revisional application within the time. However, finally on 10.09.2021 the revisional application was furnished before a single Bench of this Court with a delay of 1512 days. He finally submits that there are no lashes on the part of the petitioner however, prays for unconditional apology.

Ms. Sayeda Shoukat Ara, the learned Counsel appearing on behalf of the opposite parties, by filing a counter affidavit opposes the contention so made by the petitioner and submits that the revisional application has been prepared from 09.06.2016 to 11.06.2016, but the same was

filed on 19.01.2020; there is no explanation of delay and thus the Rule on delay is liable to be discharged.

It reveals that the suit land is Sharok(road) in the rural area used by the farmers and many villagers to carry their crops/paddy. The suit land is recorded in Khatian as Government Khas land; however, looking into the suit's merit is not proper. However, the State machinery moves or functions through many agencies because many hands run the Government's machinery, so delays in such circumstances cannot be avoided. This view gets support from the case of the Additional Deputy Commissioner (Rev), and others Vs. Most. Monowara Khatun and another reported in 21 ALR (AD) 129 wherein their Lordship observed as under:

“While hearing the Rule on condonation of delay the High Court Division should have considered that the State machinery moves or functions through so many agencies. When the machinery is run by so many hands, it is not also possible for such machinery to come before the Court within the quickest possible time. Although the Court is generally reluctant to consider the question of delay in favour of the Government, yet in the context of thing it should not be ignored that the

Government machinery runs through several hands and the delay in such circumstances cannot altogether be avoided. Instead of considering this aspect of the case, the High Court Division discharged the Rule on condonation of delay.

Having taken into consideration all aspects of the case, we are of the view that the delay of 996 days as calculated by the Court should be condoned. Accordingly, this civil appeal is allowed without any trial order as to costs and the impugned Judgment and delivered by the High Court Division is set aside. Delay of 996 days in preferring the revisional application is hereby condoned.”

A similar view has been taken in the case of the Government of Bangladesh and others Vs. Md. Abdul Jalil and others reported in 17 SCOB (AD) 74 wherein it has been stated that:-

“In view of the facts and circumstances of the case, it appears that the delay caused in filing the revisional application was due to the exhaustion of the official formalities, and as such, the same is

beyond the control of the defendant petitioners and moreover, the aforesaid delay of 403 days is not an inordinate one and as such, if the same is not condoned the defendant leave petitioners shall be led to irreparable loss and injury.”

In the case of the Government of the People’s Republic of Bangladesh Vs. Abdur Sobhan and others reported in 73 DLR (AD) 1 it has also been stated that:-

“----- If the revisional applications brought by the Government are lost for such default no person is individually affected but what in the ultimate analysis suffers is public Interest. The expression “sufficient cause” should, therefore, be considered with pragmatism in a Justice-oriented approach rather than the technical detection of “sufficient cause” for explaining wry day’s delay. The factors which are peculiar to and characteristic of the functioning of the governmental conditions would be cognizant to and require adoption of pragmatic approach in justice-oriented process. The Court should decide that matters on merit unless the case is hopelessly without merit. No separate standards to determine

the cause laid by the Government vis-a-vis private litigant could be laid to prove strict standards of “sufficient cause.”

Suffice it to say that the delay in filing the revision application has been stated in the application, and the explanation given in the application for condoning the delay in filing the revision application out of time by 1512 days appears to me satisfactory, bonafide and genuine. There were no intentional laches on the part of the petitioner, so we are inclined to condone the delay in filing the same.

In the result, this Rule is made absolute without any order as to cost.

The delay of 1512 days in filing the revision application is condoned.

Communicate this Judgment at once.

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**(Md. Salim, J)**