

Bench:

Mr. Justice Bhishmadev Chakrabortty

And

Mr. Justice Md. Akhtaruzzaman

Civil Rule No. 613(con) (f) of 2021

Md. Shah Alam Howlader ..... petitioner

-Versus-

Md. Awlad Hosen (Milon) and others

..... opposite parties

Mr. Abdus Salam Miah, Advocate

..... for the petitioner

No one appears for the opposite parties

Judgment on 23.01.2024

Bhishmadev Chakrabortty, J.

This rule was issued calling upon the opposite parties to show cause as to why the delay of 1593 days in presenting the instant memorandum of appeal challenging the judgment and decree dated 22.05.2016 passed by the first Court of Joint District Judge, Barishal in Title Suit No. 40 of 2013 rejecting the plicant should not be condoned and/or such other or further order or orders passed to this court may seem fit and proper.

Mr. Abdus Salam Mia, learned Advocate for the petitioner taking us through the application upon which the aforesaid rule was issued submits that the petitioner had chosen a wrong forum by filing Title Appeal No. 94 of 2016 before the District Judge, Barisal. The said memorandum of appeal was returned on 18.06.2019 but thereafter for pandemic situation, which started in the year 2020, the petitioner failed to present the appeal in this Court till 2021. For the reasons stated above there has been a delay of 1593 days which is

required to be condoned to secure of ends of justice, otherwise the petitioners would suffer irreparable loss and injury.

No one appears to oppose the rule.

We have heard the learned Advocate for the petitioner and perused the statements made in the application. We find that the statements made in paragraphs 2 and 3 of this application and submission of the learned Advocate supporting it satisfactory. The reason for delay as explained appears reasonable and satisfactory and as such it may be condoned.

Therefore, we find merit in this rule. Accordingly, the rule is made absolute. The delay of 1593 days in presenting the appeal is hereby condoned. Office is directed to register the appeal in accordance with law.

Md. Akhtaruzzaman, J.

I agree.