

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

Present:

Mr. Justice Md. Zakir Hossain

Civil Rule No.860 (Con) of 2022

In the matter of:

An application under Section 5 of the
Limitation Act, 1908.

-And-

In the matter of:

Moriom Bewya and others.

.....Petitioners

-Versus-

Md. Idris Ali

.....Opposite party

Mr. Md. Asadur Rahman, Advocate

.....For the petitioners

Heard and Judgment on: 11.07.2024

Md. Zakir Hossain, J:

At the instance of the petitioners, the *Rule* was issued by this Court with the following terms:

“Let a Rule be issued calling upon the opposite party to show cause as to why the delay of 239 days should not be condoned in filling revisional application against the judgment and decree dated 24.11.2021 (decree being drawn on 01.12.2021) passed by the learned Additional District Judge, Sherpur in Other Class Appeal No.07 of 2020 and/ or such other or further order or orders passed as to this Court may seem fit and proper.”

Challenging the legality and propriety of the judgment and decree dated 24.11.2021 passed by the learned Additional District Judge, Sherpur in Other Class Appeal No.07 of 2020 affirming the judgment and decree dated

27.10.2019 passed by the learned Senior Assistant Judge, Sherpur in Other Class Suit No.373 of 2011, the petitioners were constrained to file an application under Section 115(1) of the Code of Civil Procedure.

Being aggrieved by and dissatisfied with the aforesaid said judgment and decree of the appellate Court, the petitioner moved this Court along with the petition for condonation of delay of 239 days and obtained the aforesaid Rule.

Heard and perused the materials on record with care and due attention. On meticulous consideration of the petition, it transpires that the petitioners have reasonably and sufficiently explained the cause of delay; therefore, I am inclined to condone the same. Consequently, the Rule deserves to be made absolute to secure the ends of justice.

In the result, the Rule is made absolute, however, without passing any order as to costs.

The delay of 239 days in filing the revisional application is hereby condoned.

The office is hereby directed to place the revisional application to the concerned Bench within 10(ten) days from the date of receipt of the record of this case.

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(Md. Zakir Hossain, J)