

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

Present:

Mr. Justice Md. Zakir Hossain

Civil Rule No.722 (Con) of 2022

In the matter of:

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

-And-

In the matter of:

Md. Atiar Rahman (Ata)

.....Petitioner

-Versus-

Mrs. Anasa Khatun and others

.....Opposite parties

Mr. Nelanjona Refat, Advocate

.....For the petitioner

Heard and Judgment on: 10.07.2024

Md. Zakir Hossain, J:

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

“Let a Rule be issued calling upon the opposite parties to show cause as to why the delay of 533 days in filling this revisional application before this court against the judgment and decree dated 14.12.2020 (decree being drawn on 15.12.2020) passed by the learned Special District Judge, Special District Judge Adalat, Kushtia in Title Appeal No.198 of 2016 dismissing the appeal and thereby affirming the judgment and decree dated 21.08.2016 (decree being drawn on 24.08.2016) passed by the learned Senior Assistant Judge, Sadar, Kushtia in Title Suit No. 21 of 2002 dismissing the suit of the plaintiff should not be condoned 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 14.12.2020 passed by the learned Special District Judge, Special District Judge Adatat, Kushtia in Title Appeal No.198 of 2016 dismissing the appeal and affirming the judgment and decree dated 21.08.2016 passed by the learned Senior Assistant Judge, Sadar, Kushtia in Title Suit No.21 of 2002, the petitioner was 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 533 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 533 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)