

Present:

MR. JUSTICE S.M. EMDADUL HOQUE

Civil Rule No. 901(con) of 2022 .

IN THE MATTER OF:

Most. Firoza Begum

....Plaintiff-Appellant-Petitioner.

-Versus –

Khulna Development Authority and others .

....defendant-opposite parties.

Mr. Syed Al Asafur Ali Raza, Advocate

..... for the petitioner.

Heard and Judgment on: 13.05.2024.

On an application of the petitioner Most. Firoza Begum under section 5 of the Limitation Act, the Rule was issued calling upon the opposite party Nos.1-4 to show cause as to why the delay of 3089 days in filing the revisional application before this Court against the impugned judgment and decree dated 17.02.2014 (decree signed on 24.02.2014) passed by the Additional District Judge, 3rd Court, Khulna in Title Appeal No.137 of 2007 disallowing the appeal and thereby affirming the judgment and decree dated 05.04.2007 (decree signed on 12.04.2007) passed by the learned Joint District Judge, 1st Court, Khulna in Title Suit No.23 of 2000 dismissing the suit should not be condoned and/or such other or further order or orders passed as to this Court may seem fit and proper.

Mr. Syed Al Asafur Ali Raza, the learned Advocate appearing on behalf of the petitioner submits that the plaintiff-petitioner filed Title

suit No.23 of 2000 for partition of the suit land through his Attorney but ultimately the suit was dismissed.

He submits that thereafter, the plaintiff-petitioner preferred Title Appeal No.137 of 2007 and the said appeal was disposed of on 17.02.2014 but his attorney did not inform him about the judgment and decree of the appellate Court.

He further submits that the defendant side on 13.07.2022 threatened to dispossess the petitioner from the house as well as the land but at that time the petitioner was not present at his house and he permanently used to live in Dhaka and receiving the aforesaid news he went to the Court and obtained the certified copy through tadbirkar and thereafter he came to the chamber of the learned Advocate with the certificate copy and the learned Advocate after completing revisional application filed the same on 09.11.2012 but in the meantime there are 3089 days delay has been occurred. He submits that which is and unintentional delay and no lasses of the petitioner. The petitioner has no knowledge about the impugned judgment since his appointed attorney did not inform him about the judgment of the appellate Court. He further submits that since there is a home state in the suit land of the petitioner and since he has been residing in Dhaka thus the authority trying to dispossess him then after came to know the aforesaid facts without any delay he has file this application. he submits

that if the delay has not been condoned the petitioner will suffer irreparable loss and injury. He prayed for making the Rule absolute.

I have peruse the application and heard the learned Advocate. The learned Advocate stated the facts in paragraph Nos.1-10 of the application and which is unintentional and for a *bonafide* mistake and if the said delay has not been condoned the petitioner will suffer irreparable loss and injury. Since the petitioner stated the reasons in details about the cause of delay in filing the revisional application which seems to be reasonable and sufficient.

Thus I am inclined to make the Rule absolute.

In the result, the Rule is made absolute. The delay of 3089 days in filing the revisional application is hereby condoned.

The office is directed to do the needful.

The petitioner is directed to move the revisional application before an appropriate bench having jurisdiction for hearing preferably within 1 (one) month from date.

