

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

Present:

Mr. Justice Md. Zakir Hossain

Civil Rule No. 970 (Con) of 2022

In the matter of:

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

-And-

In the matter of:

Mst. Nurun Nahar Begum and others

.....Petitioners

-Versus-

A.Rob Chowkider

.....Opposite Party

Ms. Nazmun Nahar, Advocate

.....For the petitioners

Heard and Judgment on: 05.06.2024

Md. Zakir Hossain, J:

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

“Let a Rule issue calling upon the opposite party to show cause as to why the delay of 422 days in filling the revisional application should not be condoned and or pass such other order or further order or orders as to the this Court may seem fit and proper.”

Challenging the legality and propriety of the judgment and decree dated 22.03.2021 (decree being drawn on 28.03.2021) passed by the learned Additional District Judge, 1st Court, Barishal in Family Appeal No. 12 of 2020 allowing the appeal in part and modifying the judgment and decree dated 20.08.2020 (decree being drawn on 25.08.2020) passed by the learned

Assistant Judge and Family Court, Mehendiganj, Barishal in Family Suit No. 24 of 2016 decreeing the suit, the petitioners were constrained to file the Civil Revisional application under Section 115(1) of the Code of Civil Procedure.

Being highly aggrieved by and dissatisfied with the aforesaid said judgment and decree of the appellate Court, the plaintiff-petitioners moved this Court along with the petition for condonation of delay of 422 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 422 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)