

Present:

Mr. Justice A.K.M. Asaduzzaman

Civil Rule No. 1000 (con) of 2023

Hasan Jaman

.....Petitioner.

-Versus-

Most. Salma

.....Opposite party.

Mr. Md. Khalilur Rahman, Advocate

.....For the petitioner.

None appears.

..... For the opposite party.

Heard and Judgment on 25<sup>th</sup> February, 2024.

This Rule was issued calling upon the opposite party to show cause as to why the delay of 906 days in filing the revisional application against the judgment and decree dated 11.02.2021 passed by the Joint District Judge, 4<sup>th</sup> Court, Tangail in Family Appeal No. 117 of 2019 affirming those dated 10.09.2018 passed by the Judge of Family Court (In Charge), Bashail, Tangail in the Misc. Case No. 09 of 2018 and Family Suit No. 65 of 2015 should not be condoned.

It appears that the opposite party as plaintiff filed a suit before the Court of Family Court, Bashail, Tangail against the petitioner praying for dower money. Thereafter the petitioner filed revisional application but it was out of time by 906 days.

It has been contended in the application for condonation of delay that in filing the revisional application before this court, the petitioner filed a miscellaneous case and the same was rejected. Thereafter he filed the family appeal being aggrieved the rejection order of the miscellaneous case and that was also rejected by the appellate court. In the meantime, the defendant-appellant-petitioner went to abroad and thereafter on 07.08.2023 prayed for certified copy of the impugned judgment and other relevant papers of the Court below and obtaining the certified copy of the impugned judgment decree and others papers of the Court below, the petitioners consulted with his advocate of the Judge Court and thereafter the petitioner has come to the advocate of this Hon'ble High Court Division and handed over all the relevant papers to the advocate. In the meantime, the filing of the miscellaneous application became barred by limitation by 906 days, which are

unintentional and if the delay is not condoned the petitioner will suffer irreparable loss and injury.

None appears to oppose the rule.

Heard the learned advocate and perused the application and the explanation given for condonation of delay.

Considering the fact and circumstances of the case together with the statement made in the application and grounds taken for condonation of delay, I found substances in the rule.

In the result, the Rule is made absolute.

The delay of 906 days in filing this revisional application is hereby condoned.

Office is directed to take a note to the effect.

(A.K.M. Asaduzzaman,J.)