

Present:

Mr. Justice Sardar Md. Rashed Jahangir

Civil Rule No. 729 (Con) of 2022

Md. Nazrul islam and others

...Petitioners

-Versus-

Hamidul Haque and others

...Opposite-parties

Ms. Farhana Ershad Chowdhury, Advocate

...For the petitioners

No one appears

...For the opposite parties

Judgment on: 13th February, 2025

Rule was issued calling upon the opposite party Nos. 1-3 to show cause as to why the delay of 210 days in filing the civil revisional application under section 115(1) of the Code of Civil Procedure against the judgment and decree dated 28.09.2021 passed by the Additional District Judge, First Court, Brahmanbaria in Title Appeal No. 108 of 2013, affirming those of dated 14.05.2013 passed by the Senior Assistant Judge, Nasirnagar, Brahmanbaria in Title Suit No. 35 of 2008 should not be condoned and/or such other or further order or orders as to this Court may seem fit and proper.

Learned Advocate Ms. Farhana Ershad Chowdhury, learned Advocate for the petitioners submits that the delay as has been

occurred was unintentional, bonafide and beyond the control of the petitioners and if the delay is not condoned the petitioners shall suffer from irreparable loss and injury and will be non-suited.

He next submits that cause of delay has been explained in paragraph Nos. 2 and 4 of the application filed under section 5 of the Limitation Act, 1908.

Heard learned Advocate and perused the application for condonation of delay.

In view of the facts and circumstances stated in above and considering the submissions made by learned Advocate for the petitioner, this Court is of the view that the delay of 210 days as has been occurred was bonafide and unintentional, which was beyond the control of the petitioners.

Accordingly, the Rule is made absolute.

The delay of 210 days in filing the revisional application is hereby condoned.

No order as to cost.