

Present:-
Mr. Justice Mahmudul Hoque
Civil Rule No. 406(Con) of 2022

Md. Abdul Hannan and others
...Petitioners
-Versus-
Md. Moshir Rahman and others
...Opposite-parties
Mr. Ashfaqur Rahman, Advocate
...For the Petitioners
No one appeared.
...For the opposite-parties

Judgment on 07th November, 2024.

On an application under Section 5 of the Limitation Act, this Rule was issued calling upon the opposite-parties to show cause as to why the delay of 1508 days in filing this revision against the impugned judgment and decree dated 15.01.2018 passed by the learned Joint District Judge, 2nd Court, Meherpur in Other Class Appeal No. 22 of 2015 disallowing the same and thereby affirming the judgment and decree dated 01.12.2014 passed by the learned Senior Assistant Judge, Sadar, Meherpur in Title Suit No. 257 of 1998 dismissing the suit should not be condoned and/or pass such other or further order or orders passed as to this Court may seem fit and proper.

Mr. Ashfaqur Rahman, learned Advocate appearing for the applicants submits that the delay of 1508 days in filing this revision has been explained in the application filed on 01.06.2022. He further submits that there is no intentional laches and negligence on the part of the petitioners but the present revisional application could not be filed in time. He also submits that there is merit in this revision to be succeeded and unless the delay of 1508 days in filing the revisional

application is condoned, the petitioners shall suffer irreparable loss and deprived of getting justice, accordingly, he prays for condonation of delay.

No one appeared for the opposite-parties to oppose the same.

I have gone through the application for condonation of delay and the statements made thereof.

It appears that the revisional application has been filed beyond time. The reasons stated in the application for condonation of delay are found to be satisfactory. Moreover, condonation of delay always depends upon the discretion of the Court and power to condone delay has been conferred upon Court to enable it to do substantial justice to the parties by disposing the matters on merit and the Court as a long standing practice in condoning delay, generally, in its discretion entertains application for condonation of delay in a suitable case where there is no laches or negligence on the part of the petitioners.

Having considered the facts and circumstances of the case, this Court is inclined to condone the delay.

In the result, the Rule is made absolute, however, without any order as to costs.

The delay of 1508 days in filing the appeal is hereby condoned.

Office is directed to do the needful.