

Present:-

Mr. Justice Mahmudul Hoque

Civil Rule No. 906 (Con) of 2014

Government of the People's Republic of
Bangladesh, represented by Deputy
Commissioner, Pabna

... Petitioner

-Versus-

Md. Jaynal Abedin and others

...Opposite-Parties

Mst. Rohani Siddiqua, AAG with

Mr. Manowarul Islam, AAG

...For the Petitioner

Mr. Sheikh Awsafur Rahman, Senior
Advocate with

Mr. Rafiqul Islam Faruk, Advocate

...For the Opposite-Party No.1.

Judgment on 11th December, 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 5202 days in filing Civil Revision

against the impugned judgment and decree dated 08.03.2000

passed by the learned Additional District Judge, 1st Court, Pabna

in Other Class Appeal No. 59 of 1980 disallowing the appeal and

thereby affirming the judgment and decree dated 06.03.1980

passed by the learned Subordinate Judge (now Joint District

Judge), Pabna in Other Class Suit No. 72 of 1975 decreeing 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. Manowarul Islam, learned Assistant Attorney General appearing for the petitioner-government submits that the revisional application against the judgment and decree dated 08.03.2000 passed by the learned Additional District Judge, 1st Court, Pabna in Other Class Appeal No. 59 of 1980 disallowing the appeal has been filed at a delay of 5202 days with this application for condonation of such delay. It is submitted that because of delay in communication between the different offices of the government and in drafting civil revision by the Attorney General Office, revision could not be filed within time. He submits that the delay was not intentional and there is no laches on the part of the government. Unless the delay is condoned, the government will suffer irreparable loss, as such, prays for condonation of such delay.

Mr. Awsafur Rahman appearing with Mr. Rafiqul Islam Faruk, learned Advocates for the opposite-party No. 1 submit that

the land described in the schedule to the plaint originally belonged to Haridasi and others. The appellant preferred Other Class Appeal No. 59 of 1985 against the judgment and decree passed in Other Class Suit No. 72 of 1975 which was disallowed on 08.03.2000. This instant civil revision has been preferred by the government against the judgment and decree passed by the appellate court at a delay of 5202 days without showing sufficient cause, as such, the Rule is liable to be discharged.

Heard the learned Assistant Attorney General Mr. Manowarul Islam for the government-petitioner and Mr. Awsafur Rahman for the opposite-party No. 1, have gone through the application for condonation of delay and the judgment and decree passed by both the courts below.

Admittedly, the suit was filed by the opposite-party against the government and others for declaration of title in the suit property, which was decreed on contest. Thereafter, the appellant preferred Other Class Appeal No. 59 of 1980. The appeal was heard and disposed of by the Additional District Judge, 1st Court,

Pabna who by the judgment and decree dated 08.03.2000 disallowed the appeal affirming the judgment and decree of the trial court. The explanation given in the application constitutes no sufficient cause for such delay. Moreover, it was in the knowledge of the government that the appeal was dismissed on 08.03.2000 as appearing from the application for condonation of delay. However, to appreciate, whether in the event of condoning delay the petitioner-government has any possibility for succeeding in the revision, I have gone through the judgment and decree passed by both the courts below and finds that the government could not produce any evidence to substantiate its claim, moreover, this revision has been preferred after inordinate delay, as such, for a fruitless litigation there is no reason for entertaining this revision after long long delay. Hence, I find no merit in the application and reason for condonation of delay. Accordingly, the application deserves no consideration. Moreover, it discloses no sufficient cause, rather I find serious laches on the part of the petitioner.

Taking into consideration the above, this Court finds no merit in the Rule.

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

The revisional application under Section 115(1) of the Code of Civil Procedure is hereby rejected summarily being hopelessly barred by limitation.

Communicate a copy of the judgment to the Court concerned at once.

Helal/ABO