

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

Present:

**Mr. Justice Md. Riaz Uddin Khan**

**Civil Rule No. 602 (Con) of 2024**

**In the Matter of:**

An application for condonation of delay under section 5 of the Limitation Act, 1908

-And-

**In the Matter of:**

Md. Sadequl Islam

... Defendant-Petitioner

Versus

Md. Tariqul Islam and others

... Plaintiff-Opposite parties

Mr. Md. Golam Noor, Advocate

.... For the petitioner

**Heard and Judgment on: 07.06.2026**

**Md. Riaz Uddin Khan, J-**

At the instance of defendant No.37 Rule was issued asking the plaintiff-opposite parties 1-3 to show cause as to why the delay of 484 days in filing the revisional application challenging the judgment and decree dated 24.01.2023 (decree signed on 29.01.2023) passed by the Joint District Judge, 2<sup>nd</sup> Court, Dinajpur in Other Appeal No.50 of 2016 dismissing the appeal and thereby affirming the judgment and decree dated 30.11.2015 (decree signed on 03.01.2016) passed by the Assistant Judge, Birgonj, Dinajpur in Other Class Suit No.56 of 2012 decreeing the suit should not be condoned and/or such other or further order or orders should not

be passed as to this Court may deem fit and appropriate.

Mr. Md. Golam Noor, the learned Advocate appearing for the defendant-petitioner submits that the judgment was passed on 24.01.2023 and decree was pronounced on 29.01.2023 and the learned advocate for the petitioner applied for certified copies of the same which he received on 19.03.2023 which was handed over to the petitioner on 25.04.2023. The petitioner who is a Rickshaw Van Driver did never come to Dhaka and had no friends or relatives in Dhaka for which he could not communicate with any learned advocate of the Supreme Court of Bangladesh for filing civil revision. However, after frantic effort he found a local advocate at Dinajpur who agreed to help him and communicate with Mr. Md. Golam Noor, the advocate of Supreme Court of Bangladesh and sent the brother-in-law of the petitioner to Dhaka with relevant papers. The tadbirkar, brother-in-law of the petitioner, came to Dhaka and met the learned advocate who found some documents missing and needs some material instruction and the petitioner after collecting material instruction and relevant documents when the tadbirkar was preparing to come to Dhaka at that time the vehicle movement was disrupted for students movement of 2024 and when the country was normalized the tadbirkar came to Dhaka on 25.08.2024 and handed over the relevant documents and material instruction to the learned advocate who took few days to prepare the revisional application and in that way the delay occurred. Mr.

Golam Noor then submits that this delay is unintentional and beyond the control of the petitioner and the petitioner has no laches or negligence but due to unavoidable circumstances he could not file the civil revision in time. The learned advocate finally submits that the petitioner had a very good chance of success in the revision. Hence, the delay of 484 days in filing the revision may kindly be condoned.

This Rule is not opposed.

I have heard the submissions of the learned Advocate for the petitioner and perused the application for condoning delay.

The explanation for delay furnished appears to be satisfactory for which I am inclined to condone the delay.

In the result the Rule is made **absolute**, however, without any order as to cost and the delay of 484 days in filing the civil revision is hereby condoned.

The petitioner shall be at liberty to move the application made under section 115(1) of the Code of Civil Procedure before any appropriate Bench of this Court.