

***Present:-***  
***Mr. Justice Mahmudul Hoque***

**Civil Rule No.278(Con) of 2025**

Md. Golam Sorowar and others	...Petitioners
-Versus-	
Mawolana Sheikh Md. Hedayet Ullah and others	
	...Opposite-parties
Mr. M.M. Shafiullah, Advocate	
	...For the Petitioners
No one appeared	
	...For the opposite parties

**Judgment on 29<sup>th</sup> July, 2025.**

On an application under Section 5 of the Limitation Act, this Rule was issued calling upon the opposite-party Nos. 1 and 2 to show cause as to why the delay of 742 days in filing this revision against the impugned judgment and order No.02 dated 05.02.2023 passed by the learned District Judge, Dhaka in Miscellaneous Appeal No.326 of 2022 dismissing the same summarily and thereby affirming the judgment and order dated 21.11.2022 passed by the learned Joint District Judge, 6<sup>th</sup> Court, Dhaka in Title Suit No.21 of 2016 allowing an application filed by the plaintiffs under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 granting temporary injunction 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. M.M. Shafiullah, learned Advocate appearing for the applicants submits that the delay of 742 days in filing this revision has been explained in the application filed on 29.05.2025. 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 742 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 742 days in filing the appeal is hereby condoned.

Office is directed to do the needful.