

First Miscellaneous Appeal No. 562 of 2025

Present:

Mr. Justice Md. Riaz Uddin Khan

21.04.2026

Mr. Md. Mahfuzur Rahman, Advocate with
Mr. Shariar Mahmud, Advocate

... For the applicants

Mr. Md. Rasel Mahumd, Advocate

... For the respondent No. 7

This is an application for direction upon the concern section of this Court to accept the requisites deposited out of time.

Mr. Md. Mahfuzur Rahman, the learned advocate appearing for the appellant-applicants submits that this first miscellaneous appeal was admitted on 17.08.2025 and after admission the learned advocate instructed his clerk to put required requisites but due to unintentional mistake the clerk did not submit the required requisites in the concerned section. However, this Court by order dated 22.01.2026 directed the learned advocate for the appellants to submit required requisites within 03(three) weeks with a default order that failing which the appeal shall stand dismissed.

The learned advocate further submits that this order dated 22.01.2026 was not communicated to the learned advocate for the appellant. The learned advocate after came to know about the order of this Court paid the require requisites on 25.02.2026 but concern

First Miscellaneous Appeal No. 562 of 2025

section did not accept the same for which he filed this application. The learned advocate begs unconditional apology for his inadvertent mistake and if the requisites are not accepted by this Court, the appellant-petitioners will suffer irreparable loss and injury only for the default of the learned advocate. He further submits it is settled principal of law that the litigant should be suffered for default of his lawyer.

On the other hand Mr. Md. Rasel Mahmud, the learned advocate appearing for the respondent submits that this Court by order date 22.01.2026 directed the learned advocate for the appellants to submits required requisites within 03 (three) weeks failing which the appeal would stand dismissed which he failed to comply.

The learned advocate further submits that after getting the appeal admitted on 17.08.2025 till the order passed by this Court with default order dated 22.01.2026 did not take any steps for serving notice upon the respondents. The appeal has already been dismissed for not complying with the order passed by this Court in time and as such there is no scope to direct the section to accept the required requisites to be filed by the appellants after dismissal of the appeal.

I have heard the submissions of both the parties. It appears from record that this

First Miscellaneous Appeal No. 562 of 2025

first miscellaneous appeal was admitted on 17.08.2025 and till 22.01.2026 required requisites were not submitted for which with a note the section placed this appeal before this Court for passing necessary order. This Court by order dated 22.01.2026 extend 03 (three) weeks time directing the appellant to submits required requisite failing which the appeal would stand dismissed.

Since the first miscellaneous appeal stands dismissed by operation of the order dated 22.01.2026 for non-compliance of the order there is no scope to allow this application. Hence, the application is rejected.

The office is directed to make note that the First Miscellaneous Appeal stands dismissed.

[Md. Riaz Uddin Khan, J]