

**IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(CIVIL REVISIONAL JURISDICTION)**

**Present:**

**Mr. Justice Zafar Ahmed**

**Civil Revision No. 2085 of 2010**

**In the matter of:**

Gopal Adhikari

Defendant-appellant-petitioner

-Versus-

Mohammad Fasiul Alam Chowdhury and another

Plaintiff-respondent-opposite parties

None

...For the petitioner

Mr. A.S.M. Rahmatullah, Advocate

... For the opposite party No. 1

**Heard on: 25.11.2024 and 12.12.2024**

**Judgment on: 15.12.2024**

Other Appeal No. 67 of 2010 was dismissed summarily as being barred by limitation of 963 days by the learned District Judge, Chattogram, vide judgment and order dated 04.03.2010. Challenging the said judgment, the defendant-appellant has filed the instant revision and obtained Rule on 23.05.2010.

The plaintiff-opposite party No. 1 has filed a counter-affidavit. None appeared for the petitioner when the Rule was taken up for hearing.

It appears from the materials on record that the present petitioner as defendant filed Other Suit No. 01 of 2001 in the Court of 3rd Assistant Judge, Chattogram in which, the present opposite party was the defendant No. 1.

The present opposite parties as plaintiff filed Other Suit No. 02 of 2001 impleading the present petitioner as sole defendant. Both the suits were tried analogously. The trial Court decreed Other Suit No. 02 of 2001 on 31.05.2007. The Other Suit No. 01 of 2001 was dismissed.

Challenging the decree passed in Other Suit No. 02 of 2001 in which the present petitioner was defendant, he filed Other Appeal No. 67 of 2010 which is the subject matter of the instant Rule. There was a delay of 963 days in filing the appeal. The application for condonation of delay filed by the defendant-appellant was rejected summarily and the appeal was dismissed by the appellate Court on 04.03.2010.

It appears from the counter-affidavit that challenging the judgment and decree of dismissal passed in Other Suit No. 01 of 2001 in which, the present petitioner was plaintiff, he filed Title Appeal No. 66 of 2010 with an application for condonation of delay of 963 days.

The appellate Court rejected the said application for condonation of delay and dismissed the appeal summarily on 04.03.2010. The petitioner preferred Civil Revision No. 2083 of 2010. The Rule issued in the said civil revision was discharged on merit on 25.05.2023.

It further appears from the counter-affidavit that the present petitioner was aware of the judgment and decree passed in Other Suit No. 02 of 2001. The appellate Court below by giving cogent reasons rejected the application for condonation of delay and dismissed the appeal summarily. Therefore, I find no merit in the Rule.

In the result, the Rule is discharged.