Sonargaon University (SU)

Research Monograph

On

The Initiatives for Solving the Key Problems of Cost, Delay and Complexity in Civil Justice System in Bangladesh: A Critical Review

Research Monograph Submitted for the partial fulfillment of the award of the degree

in

LL.M (Master)
Department of Law
Sonargaon University (SU)

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Letter of Transmittal

To

Muhammad Ali

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Subject: Submission of Research Monograph on "**The Initiatives for Solving the Key Problems of Cost, Delay and Complexity in Civil Justice System in Bangladesh: A Critical Review"**

Dear Madam,

This is a great pleasure to submit the Research Monograph on **"The Initiatives for Solving the Key Problems of Cost, Delay and Complexity in Civil Justice System in Bangladesh: A Critical Review"** as a partial requirement for the fulfillment of my LL.M course under the Department of Law of the Sonargaon University (SU).

I have given due efforts to make this Research Monograph as fruitful one and to make it as informative as possible. I hope that this paper will not be the formality of academic course completion rather it will be a source of information for other purpose on this topic.

Yours sincerely

.....

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Declaration

I do hereby declare that the Research Monograph Title **"The Initiatives for Solving the Key Problems of Cost, Delay and Complexity in Civil Justice System in Bangladesh: A Critical Review"** prepared solely by me and which has been submitted to the department of Law, Sonargaon University (SU) for achieving the LL.M (Master) Degree. This is an original work of nine. No part of this research, in any way of or in from, has been submitted to any University or Institution for any Degree, Diploma or for other similar purposes.

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Supervisor Certificate

This is to certify that the work presented in this dissertation is based on the work, carried out by the author herself under my supervision in Department of Law, Sonargaon University (SU).

It is also certifying that the work presented here is original and suitable for submission as the style and contents, for fulfillment of LL.M. program.

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Acknowledgement

***In the name of Allah, the Beneficent, the Merciful".** Praise by Allah & thanks to Allah for patronizing me to finish this Research Monograph. I am very happy to finish it. It is a great Research of my life. It is a long cherished hope of my life to become a great lawyer. That's why I have admitted in the Department of Law in Sonargaon University (SU) to fulfill my dream. But through my whole study life in this field, I did not get much more opportunities to examine and show my knowledge and skill in this wide field. Lastly I have got a great chance to make my study meaningful when I got the chance to prepare a Research Monograph on **The Initiatives for Solving the Key Problems of Cost, Delay and Complexity in Civil Justice System in Bangladesh: A Critical Review**

I acknowledge my grateful to respected course teacher **Muhammad Ali** for instructing me how to prepare a Research Monograph and his famous Books lectures on this subject help me to complete my task sincerely.

I am also thankful to my classmate as they help me to complete the Research Monograph. I am extremely paying my solitude to all the authors and writers whose works help me to draft this original Research Monograh.

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Thank you

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ABSTRACT

An essential requirement of justice is that it should be dispensed as quickly as possible. It is a well-known adage that, “justice delayed is justice denied”. However, delay in litigation is equally proverbial and though it may sound paradoxical, the fact remains that the very provisions of the Code, which are designed to facilitate smooth and speedy trial of cases, are misused and abused which causes delay in disposing cases indefinitely and ultimate success in the cause often proves illusory. The result is obvious, that cases pile up and huge arrears accumulate in all courts. Since no law intends to increase difficulties, but to ameliorate them; loopholes in law cannot be said to be only responsible for delay in disposal and increases number of suits but may be said to be responsible for expanding scope of technicalities which in essence, influence the parties to take advantage of such technicalities with intent to cause delay in the disposal of suits. The present procedure with existing loopholes is not able enough in coping with the present difficulties arising out of technicalities and of intentional delays and practical barriers. Moreover, procedure is the handmaid of justice; it is to be used so as to advance the cause of justice and not to thwart it. Every year a large numbers of suits are increasing in the districts courts of Bangladesh. When a person is filed a suit and he precedes it for a long term and he can thing that he will not get the proper judgment. For this reason court lost its important and it is one of the dangerous impacts of delay in Civil Litigation of Bangladesh. This paper aims at identifying these causes for delay in disposal of civil cases and suggests remedial measures.

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