

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

Writ Petition No. 9626 of 2006

In the matter of:

An application under article 102 of the
Constitution of the People's Republic of
Bangladesh.

AND

In the matter of:

Sonargaon Textile Manufacturing
Corporation

... Petitioner

-Versus-

The Artha Rin Adalat No. 2, Dhaka and
others

... Respondents

Mr. Pratikar Chakma, Advocate

... For the petitioner

Mr. Omar Sadat, Senior Advocate with
Mr. Md. Jahangir Zomadder, Advocate

... For the respondent No. 2

Heard on: 15.01.2026

Judgment on: 22.01.2026

Present:

**Justice Sardar Md. Rashed Jahangir
and
Justice Kazi Waliul Islam**

Sardar Md. Rashed Jahangir, J:

The Rule Nisi was issued on an application under article
102 of the Constitution of the People's Republic of Bangladesh
calling upon the respondents to show cause as to why the Artha

Jari proceeding and orders dated 24.07.2006 and 04.09.2006 passed by respondent No. 1 in Artha Jari Case No. 282 of 2004 arising out of Artha Rin Suit No. 57 of 1998, pending before the Artha Rin Adalat No. 2, Dhaka (Annexure-‘E’) being void, unconstitutional should not be declared to be without lawful authority and is of no legal effect and/or pass such other or further order or orders as to this Court may seem fit and proper.

At the time of issuance of the Rule, this Court by an interim order stayed all further proceedings of Artha Jari Case No. 282 of 2004.

For effective disposal of this Rule it is not at all necessary to enter into detail discussions of fact, save and except, the respondent No. 2 instituted Civil Suit No. 14 of 1996 for realization of the outstanding dues from the defendants upon selling the mortgaged property. The said suit was renumbered as Civil Suit No. 57 of 1998, thereafter, the suit was decreed ex-parte on 25.06.2000 for an amount of Tk. 4,01,19,928.13. Decree-holder-bank filed Decree Execution Case No. 103 of 2000 before the Artha Rin Adalat No. 2, Dhaka. The said execution case was subsequently renumbered as 282 of 2004. In course of execution the process stipulated under the provisions of sub-section (1) and (4) of section 33 has been exhausted on 22.08.2005 and 27.11.2005 respectively. Thereafter on 08.02.2006 decree-holder-bank filed an application under section 33(7) of the Artha Rin Adalat Ain, 2003 for issuance of certificate in it's favour. On

20.03.2006 by order No. 67 the Artha Rin Adalat allowed the application for issuance of certificate under section 33(7) of the Artha Rin Adalat Ain, 2003. On 10.05.2006 the judgment-debtor appeared before the Court and filed an application under section 57 sought for adjournment of all further proceedings of the decree execution case pending disposal of the Miscellaneous Case No. 10 of 2002 (arising out of Civil Suit No. 154 of 1995). Leaned Judge of the Artha Rin Adalat, by his order dated 21.06.2006 rejected the application filed under section 57 of the Artha Rin Adalat Ain, 2003 and on the same date, the Adalat directed the concern “সেরেস্জাদার” to prepare and place certificate under section 33(5) instead of certificate under section 33(7) . It is to be mentioned here that earlier by order No. 67 dated 20.03.2006 the application for issuance of certificate under section 33(7) of the Artha Rin Adalat Ain has been allowed. On 24.07.2006, the decree-holder filed an application for review of the order dated 21.06.2006, seeking for issuance of certificate under section 33(7) instead of 33(5) of the Artha Rin Adalat Ain, 2003. On the same date, the judgment-debtor filed an application sought for adjournment of 2(two) months to enable the judgment-debtor to submit appropriate order of stay obtaining from the High Court Division. When both the applications were taken up for hearing both the decree-holder and judgment debtor found absent. Due to non-appearance both the application were rejected on the same date i.e. 24.07.2006.

Thereafter the judgment-debtor on 04.09.2006 filed another application sought for adjournment of decree execution on the ground that they have already applied before the High Court Division by filing an application for stay. When the matter was taken up for hearing neither the judgment-debtor nor his appointed Advocate found present to move the application for adjournment. Consequently, the application was rejected for non-appearance.

It is to be noted here that learned Judge of the Artha Rin Adalat in course of rejecting the stay application categorically held that the judgment-debtor in his application stated that they have filed Writ Petition No. 416 of 2005, challenging the order dated 21.06.2006. In the said back drop learned Judge of the Artha Rin Adalat opined that no writ petition of the year 2005 can be filed challenging any order of the year 2006. Challenging the orders dated 24.07.2006 and order dated 04.09.2006 the judgment-debtor moved before this Court and obtained the Rule.

Mr. Pratikar Chakma, learned Advocate for the petitioner in course of hearing finds difficulties to defend the Rule.

On the other hand, Mr. Omar Sadat, learned Senior Advocate appearing for the respondent No. 2 made his submission in support of order.

Heard learned Advocate for the petitioner and perused the writ petition together with the annexures, affidavit-in-opposition filed on behalf of the respondent No. 2.

It appears that the petitioner herein challenged the orders dated 24.07.2006 and dated 04.09.2006 passed by the Artha Rin Adalat, Second Court, Dhaka in Artha Jari Case No. 282 of 2004 arising out of Artha Rin Suit No. 57 of 1998 (original suit was Civil Suit No. 14 of 1996). On perusal of the orders dated 24.07.2006 and 04.09.2006 we find that in both the days, the applications of the judgment-debtor seeking for stay of the proceedings of decree execution case have been rejected on the ground of non-appearance and failure to press the applications.

Moreover, on perusal of the writ petition, the judgment-debtor-petitioner could not justify his non-appearance. The decree execution case which has been stayed is an old one of the year, 2000. Wherein the application of issuance of the certificate under section 33(7) of the Artha Rin Adalat Ain, 2003 was allowed by the order No. 67 dated 20.03.2006 in favour of the decree-holder-bank. Thus, the next step of the execution case was the formalities to be observed to dispose of the execution case.

In the facts and circumstances, we do not find any merit in the Rule.

Accordingly, the Rule is discharged without any order as to cost.

The order of stay granted at the time of issuance of the Rule is hereby recalled.

Communicate the judgment and order at once.

Kazi Waliul Islam, J:

I agree.