

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(ADMIRALTY JURISDICTION)

**Present:**

Justice Sikder Mahmudur Razi

**Admiralty Suit No. 72 of 2017**

**IN THE MATTER OF:**

***Md. Mienul Hossen and others***

... Plaintiffs-Decree holders-applicants.

**VERSUS**

***The vessel M.T. FADL-E-RABBI (IMO No. 9088942, Flag: Panama), now lying at Dry Dock Jetty Chittagong Port, Chittagong, Bangladesh and others.***

... Defendants.

Mr. Abu Bakar Siddique, Advocate with

Mr. Md. Akter Rasul, Advocate.

.... For the Plaintiff applicants.

**The 22<sup>nd</sup> February, 2026**

The decree-holder has filed an application for direct execution of the judgment and decree dated 15.12.2025 passed in the instant Admiralty Suit.

Mr. Abu Bakar Siddique, appearing along with Md. Akter Rasul, learned Advocates for the decree-holder, submits that although the suit was contested by the defendants at its initial stage, they subsequently lost interest in prosecuting the same and, as a result, refrained from contesting the suit at its final stage. Consequently, the suit was decreed *ex-parte* on 07.05.2025 in favour of the plaintiff. He further submits that, in view of the latest amendment to the Code of Civil Procedure, 1908, this Court has ample authority and jurisdiction to order direct execution in an appropriate case. Heard the learned Advocate Mr. Abu Bakar Siddique and perused the application so have been filed as well as the amended provision of the Code of Civil Procedure, 1908.

It appears that by Ordinance No. 18 of 2025, a new Rule being Rule 104 has been inserted in Order 21 of the Code of Civil Procedure, 1908 which runs as follows:-

*"104. Direct execution of decree. (1) Notwithstanding anything contained in this Code or any other law for the time being in force, the Court may, subject to the law of limitation, receive an application for the execution of a decree in the record of the suit in which the decree has been passed, or, where the record has been called for by an Appellate or Revisional Court, in a part-file prepared for this purpose and the Court may forthwith order the execution of the decree.*

*(2) Where the decree-holder or the purchaser of the property sold in execution of a decree is resisted or obstructed by the judgment-debtor or any person claiming under him or any other person, as the case may be, in obtaining possession of the property and the Court is satisfied in that regard, it may, on the application of the decree-holder or the purchaser, direct any person as the Court may appoint in this behalf and, if necessary, the law enforcement agency to place the decree-holder or the purchaser in possession of the property."*

Upon a careful examination of the amended provision, it appears that the power of the Court to issue or pass an order for direct execution of a decree is discretionary in nature. The Court, upon consideration of the facts and circumstances of a particular case, may, where it deems appropriate, issue or pass an order for direct execution. The consequence of allowing such direct execution is that, once an order for direct execution is passed, the decree-holder is relieved from the necessity of issuing fresh summons or notices in any other form as contemplated under Order XXI Rules 22, 23, and 24 of the Code of Civil Procedure, 1908. The primary object of introducing the provision for direct execution is to ensure expeditious implementation of decrees and to alleviate unnecessary hardship and delay faced by litigants.

So far as the present case is concerned, it appears that although the suit was initially contested by the defendants, they subsequently failed to take any further steps and refrained from contesting the suit at its later stage, as a result of which the suit was decreed *ex-parte* in favour of the plaintiff. It further appears that the original suit was instituted by the crew members of the vessel for recovery of their unpaid wages.

Having considered the submissions advanced by the learned Advocate, I am of the considered view that the present Admiralty suit constitutes a fit and proper case for allowing the application for direct execution. Accordingly, the instant application for direct execution is hereby allowed.

The learned Advocate has drawn the attention of this Court to the fact that a number of Admiralty suits have been instituted against the said vessels, some of which are still pending for adjudication, while others have already been finally decreed. It has further been submitted that the vessel has since been sold through judicial auction, and that the sale proceeds are presently lying deposited in the account of the Marshal of this Court. Accordingly, the concerned section is hereby directed to submit a comprehensive report specifying the total number of suits that have been filed in respect of the said vessel, the amount claimed in each such suit, the present status of those suits, and the disbursement (if there be any) that has already been made from the said sale proceeds.

However, for convenience as well as for ready reference, let this application be treated as **Admiralty Suit 72 of 2017 (In Execution)**.

Let this Suit be posted in the list on 11.03.2026 for submitting report.

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(Sikder Mahmudur Razi.J.)