

**IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(Civil Appellate Jurisdiction)**

**Civil Rule No. 264 (F) of 2019**

**In the matter of:**

An application for injunction.

**In the matter of:**

Tarique Ekramul Haque.

... Petitioner

-Versus-

Bangladesh Bank represented by its Governor,  
Bangladesh Bank Bhaban, Motijheel C/A,  
Motijheel, Dhaka and others.

...Opposite-parties

None appears

... For the petitioner

Mr. Najmul Karim, Advocate

....For the opposite-party no. 10

Dr. Shahdeen Malik with

Mr. Monjur Alam and

Mr. Md. Tayeb-Ul-Islam, Advocates

...For the opposite-party no. 11

Mr. Habibur Rahman with

Mr. Banarupa Roy, Advocates

...For the opposite-party no. 14

Mr. Md. Anawarul Islam, Advocate for

Mr. Sheikh Mohammad Zakir Hossain, Advocate

....For the opposite-party no. 17

Mr. A.B.M. Shibly Sadekeen, Advocate

....For the opposite-party no. 19

**Heard and Judgment on 05.03.2024.**

**Present:**

Mr. Justice Md. Mozibur Rahman Miah

And

Mr. Justice Mohi Uddin Shamim

**Md. Mozibur Rahman Miah, J:**

At the instance of the plaintiff in Title Suit No. 223 of 2019, this rule was issued calling upon the defendants-respondents-opposite-parties to show cause as to why they should not be restrained by an order of injunction from circulating and publishing the name of the plaintiff-appellant-petitioner showing him as defaulter-borrower in the CIB report of Bangladesh Bank till disposal of the appeal and/or such other or further order or orders passed as to this court may seem fit and proper.

At the time of issuance of the rule, this court also restrained the defendants-respondents-opposite-parties by an order of injunction from circulating and publishing the name of the plaintiff-appellant-petitioner as defaulting-borrower in the Credit Information Bureau (shortly, CIB) report of Bangladesh Bank initially for a period of 6(six) months which was extended from time to time and lastly it was extended on 11.12.2023 for another 6(six) months.

The short facts leading to issuance of the instant rule are:

The present petitioner as plaintiff filed the aforesaid suit impleading the present opposite-parties and others seeking following reliefs:

*“(a) Pass a decree declaration that the report of the Credit Information Bureau of Bangladesh Bank showing/publishing the name of the plaintiff as defaulter borrower is illegal, malafide and not binding upon the plaintiff.*

*(b) Costs of the suit in favour of the plaintiff.*

*(c) Pass such other or further relief or reliefs which the plaintiff may be entitled in law and equity.”*

After filing of the suit, the petitioner as plaintiff also filed an application under order XXXIX, rule 1 and 2 read with section 151 of the Code of Civil Procedure for restraining the opposite-parties from circulating and publishing the name of the plaintiff-petitioner in the CIB report of Bangladesh Bank showing it as defaulter-borrower. However, the said application for injunction so filed by the petitioner as plaintiff was taken up for hearing and vide order dated 21.04.2019, it was rejected. It is at that stage, the plaintiff as appellant preferred appeal being First Appeal Tender No. 393 of 2019 before this court. After preferring the appeal, the appellant as petitioner then filed an application for injunction on the self-same averments so made before the trial court praying for injunction and this court vide order dated 25.04.2019 issued rule and passed the ad interim order as has been stated hereinabove which gave rise to the instant rule.

None appeared for the petitioner to press the rule though the matter has been appearing at the top of the list for hearing even with the name of the learned counsels for the parties.

On the contrary, Dr. Shahdeen Malik, Mr. Najmul Karim, Mr. Habibur Rahman, Md. Anawarul Islam and A.B.M. Shibly Sadekeen, the learned counsels appearing for the opposite-party nos. 11, 10, 14, 17 and 19 respectively upon taking us to the application for injunction at the very outset submits that, since there has been a legal embargo provided in article 41 (1) and (2) as well as Chapter IV of Bangladesh Bank Order, 1972 to

challenge the inclusion of the name of any defaulting-borrower in the CIB report so there has been no scope on the part of any court of law to entertain any legal proceeding therein let alone pass any interim order but without considering the said legal prohibition, this Hon'ble court issued rule and order of injunction which cannot be sustained in law.

The learned counsels further contends that, there has been no reason not to refer the name of the petitioner to Bangladesh Bank under section 27kaka of Bank Companies Act, 1991 for enlisting his name in the CIB report and to circulate the same to all the banks and financial institutions. On those two counts, the learned counsels finally pray for discharging the rule.

We have considered the submission so advanced by the learned counsels for the opposite-party nos. 10, 11, 14, 17 and 19 and perused the application for injunction as well as the rule-issuing order. Apart from the statutory legal provision as stated hereinabove in the meantime, it has already been settled by this court in the decision reported in 73 DLR (HCD) 554 that, there has been no scope to challenge the enlistment of any defaulting-borrower in the CIB report so no suit can lie to that effect as per the provision so provided in article 41(1) and (2) as well as Chapter IV of Bangladesh Bank Order, 1972.

So the prayers so have been made in the suit reproduced hereinabove cannot sustain in law let alone to grant any interim order on the publication of the name of a defaulting-borrower in the CIB report of Bangladesh Bank.

Given the above legal proposition, we don't find any iota of substance in the rule.

Accordingly, the rule is discharged however without any order as to costs.

At any rate, the order of injunction granted at the time of issuance of the rule stands recalled and vacated.

Let a copy of this order be communicated to the learned Joint District Judge, 5<sup>th</sup> court, Dhaka forthwith.

**Mohi Uddin Shamim, J:**

I agree.