

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

**CIVIL RULE NO. 884 (FM) OF 2019  
(Arising out of FMA No. 189 of 2021)**

**In the matter of:**

An application for injunction.

And

**In the matter of:**

PFI Securities Limited of PFI Tower (7<sup>th</sup> Floor),  
56-57, Dilkusha C/A, Motijheel, Dhaka-1000  
represented by its Managing Director Mr.  
Mushfiqur Rahman (acting Managing Director)  
Through its authorized person/constituted  
attorney Muhammad Kaochhar Molla, son of  
Muhammad Chan Molla, Vice President, Legal  
and Corporate Affairs, PFI Securities Limited,  
PFI Tower (7<sup>th</sup> & 8<sup>th</sup> Floor), 56-57 Dilkusha  
Commercial Area, P.S.- Motijheel, Dhaka-1000.

... Petitioner

-Versus-

Bangladesh Bank represented by the Governor,  
Bangladesh Bank Bhaban, Motijheel Commercial  
Area, Motijheel, Dhaka-1000 and others.

... Opposite-parties

None appears

... For the petitioner

Mr. Md. Mahabub Hasan Chowdhury, Advocate

....For the opposite-party no. 6

Mr. Md. Anawarul Islam, Advocate for

Mr. Sheikh Mohammad Zakir Hossain, Advocate

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

Mr. Ziaul Haque Sarker, Advocate

....For the opposite-party no. 11

**Heard and Judgment on 14.01.2024.**

**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. 892 of 2019, this rule was issued calling up the defendants-respondents-opposite-parties to show cause as to why they should not be restrained by an order of injunction from reporting, circulating and publishing the name of the plaintiff-appellant-petitioner showing it as defaulter-borrower in the CIB report of Bangladesh Bank till disposal of the F.M.A.T. No. 980 of 2019 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 reporting, 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 28.02.2022 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) A decree declaring that the plaintiff is not defaulter borrowers in respect of the account(s) maintained by the defendant nos. 6-20 banks;*

*(b) A decree declaring that inclusion, publication & circulation of the name of the plaintiff in the report of Credit Information Bureau of Bangladesh Bank showing him as defaulter borrowers are illegal, inoperative, null and void and is of no legal effect;*

*(c) A decree restraining the defendants from treating the plaintiff as defaulter borrowers in respect of the account maintained by the defendant nos. 6-20 banks;*

*(d) A decree restraining the defendants from furnishing, circulating and reporting the name of the plaintiff to the defendant nos. 1-5 classifying the plaintiff as defaulters in the report of Credit Information Bureau of Bangladesh Bank in respect of the account(s) maintained by the defendant nos. 6-20 banks;*

*(e) and any other relief or further relieves to which the plaintiff may be entitled to under law, equity and good conscience.”*

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, 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 20.10.2019, the said application was rejected against which the plaintiff as appellant preferred an appeal being First Miscellaneous Appeal Tender No. 980 of 2019 (which was admitted and registered as First Miscellaneous Appeal No. 189 of 2021). After preferring the appeal, the plaintiff as petitioner 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 15.12.2019 issued rule and passed the ad interim order as has been stated hereinabove which gave rise to 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 with the name of the learned counsels for the parties.

On the contrary, Mr. Md. Mahabub Hasan Chowdhury, Mr. Md. Anawarul Islam and Mr. Ziaul Haque Sarker, the learned counsels appearing for the opposite-party nos. 6, 10 and 11 respectively upon taking us to the application for injunction at the very outset submits that, since there has been a legal embargo so 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, since the plaintiff itself in the plaint in particular, paragraph no. 4 thereof has clearly asserted to become a defaulting-borrower towards its creditors so 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 its 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. 6, 10 and 11 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 have been provided in article 41(1) and (2) as well as Chapter IV of Bangladesh Bank Order, 1972.

So the suit on the prayer so reproduced hereinabove cannot sustain in law let alone grant any restrained order on the publication of the name of the defaulting-borrower in the CIB 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, 1<sup>st</sup> court, Dhaka forthwith.

**Mohi Uddin Shamim, J:**

I agree.