

## Writ Petition No. 5837 of 2021

Present:  
Mr. Justice J.B.M. Hassan  
and  
Mr. Justice Razik-Al-Jalil

29.1.2023

Mr. Shamim Khaled Ahmed with  
Mr. Md. Motiur Rahman Uzzwal, Advocates  
... For the respondent Nos.2-3-applicant  
Mr. M. Moksadul Islam, Advocate  
... For the writ petitioner

This is an application for direction.

After placing the application, learned Advocate for the applicant (Bank) submits that the writ petitioners have got sufficient properties to meet the liabilities. But they are not co-operating either the Bank or the Court in this regard and so a direction may be given upon them to produce relevant documents regarding their properties.

Mr. M. Moksadul Islam, learned Advocate for the writ petitioner submits that the relief sought for by the respondent-bank by this application, is beyond the periphery of the present Rule, the applicant-bank can file application before the concerned Artha Rin Adalat.

Mr. Shamim Khaled Ahmed, the learned Advocate for the applicant further submits that in the meantime the respondent-bank discovered some other properties of the judgment-debtors (writ-petitioners) which have been included in the present application before this Bench. Learned Advocate for the applicant-bank further submits that the bank is still searching the properties of the

judgment-debtors and in the meantime they have found some properties of the judgment-debtors which were not included in the application under Order 21 Rule 40 and Order 40 Rule 1 of the Code of Civil Procedure (the Code).

It appears that the decree-holder bank in the meantime filed two applications before the concerned Artha Rin Adalat i.e. one under Order 40 Rule 1 of the Code and the other application is under Order 21 Rule 41 of the Code which are yet to be disposed of. Learned Advocate for the applicant submits that due transfer order, since the presiding Judge of the concerned Court is not functioning now, the charge Court i.e. Artha Rin Adalat No. 3 is dealing with the matter.

Since it is a very urgent matter involving huge liabilities (Execution Case Value at Tk.115,64,49,429.10) of the **judgment-debtors (writ petitioners), the Artha Rin Adalat No. 3 is directed to dispose of both the applications in accordance with law within 4(four) weeks from the date of receipt of a copy of this order.**

The Artha Rin Adalat is also directed to consider the application of the bank, if any, filed relating to the judgment-debtors' properties amending the schedule of the above mentioned applications.

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In view of the above directions, the application is disposed of.