

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

**WRIT PETITION NO. 7545 OF 2019**

**IN THE MATTER OF:**

Application under Article 102 of the Constitution  
of the People's Republic of Bangladesh.

And

**IN THE MATTER OF:**

***SMAH Knitting and Dyeing Limited***  
.... Petitioner

-Vs-

***Artha Rin Adalat, 4<sup>th</sup> Court, Dhaka and others***  
....Respondents.

Mr. Mohammad Mizanur Rahman, with Mr.Md.  
Abu Nasar, Advocates  
..... For the petitioner

No one appears  
..... for the respondents

**Heard and Judgment on: 04.12.2023**

**Present:**

Mr. Justice Md. Iqbal Kabir  
and  
Mr. Justice S.M. Maniruzzaman

**S.M. Maniruzzaman, J:**

In this Rule Nisi issued under Article 102 of the Constitution  
of the People's Republic of Bangladesh, the respondents have been called  
upon to show cause as to why the impugned order No. 101 dated  
21.05.2019 (Annexure- C2) passed by the respondent No. 1, Artha Rin  
Adalat No. 4, Dhaka in Artha Rin Suit No. 24 of 2013 rejecting the

application dated 21.05.2019 submitted by the petitioner should not be declared to have been passed without lawful authority and is of no legal effect and also as to why the respondent No. 1 should not be directed to accept the vokalatnama of the petitioner and allow the same to contest the Artha Rin Suit No. 24 of 2013 by filing written statement 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 did not pass any *interim* order of stay.

Md. Abu Nasar, learned Advocate appearing for the petitioner submits that the petitioner has been made a party as defendant No. 8 in the Artha Rin Suit as per the provision of Section 6(5) of the Artha Rin Adalat Ain, 2003 and has a right to contest the suit by filing written statement and denying this right is violation of Sub-section 1 of Section 9 of the Ain and as such the impugned order No. 101 dated 21.05.2019 is liable to be declared without lawful authority and is of no legal effect.

We have heard the learned Advocate for the petitioner, gone through the writ petition, affidavit-in-opposition and annexure so appended thereto.

It appears from order No. 99 dated 23.04.2009 that the Artha Rin Adalat concluded hearing of the suit and fixed on 05.05.2009 for argument. It further appears that the present petitioner without concluding his argument prayed time on 05.05.2019 for adjustment of the suit and the Artha Rin Adalat allowed the time and again fixed on 21.05.2019 for argument. On 21.05.2019 the respondent No. 8 appeared before the Artha

Rin Adalat by submitting new vokatnama and prayed for filing written statement and the Artha Rin Adalat rejected the said application by the impugned order. Hence, the instant writ petition.

It appears from record that the principle borrower appeared in the Artha Rin Adalat and contested the suit by filing written statement and made deposition on behalf of the principle borrower. However as per Section 10(1)(2) of the Artha Rin Adalat Ain, 2003, there is no scope to accept written statement at this stage.

In view of the above, we do not find any error of law in passing the impugned order. Accordingly, the Rule is discharged, however, without any order as to costs.

The Artha Rin Adalat No. 4, Dhaka is hereby directed to dispose of the suit within 2(two) months from the date of receipt of a copy of this judgment and order.

Communicate a copy of the judgment and order to the respondents.

***Md. Iqbal Kabir, J:***

I agree.