

Writ Petition No. 4363 of 2023

Present
Justice Muhammad Khurshid Alam
Sarkar
And
Justice Sardar Md. Rashed Jahangir

07.05.2023

Mr. Abu Zobair Hossain Sajib, Advocate
..... For the Petitioner
Mr. Pratikar Chakma, D.A.G with
Mr. Md. Humayun Kabir
Ms. Afroza Nazneen Akther,
Ms. Farzana R. Shampa, A.A.Gs.
.... For the Respondents

Supplementary affidavit filed today do form part of the main writ petition.

Heard the learned Advocate for the petitioner and perused the petition as well as its annexures.

Let a Rule Nisi be issued calling upon the respondent Nos. 1 to 3 to show cause as to why Order No. 88 dated 28.11.2022 (signed on 20.02.2023) (Annexure-‘J’) passed by respondent No.1, the Additional District Judge, Bankruptcy Court, Dhaka rejecting the (i) petitioner’s application dated 23.09.2021 for addition of party under section 110 of the Bankruptcy Act, 1991 and Order I Rule 10(2) read with Section 151 of the Code Civil Procedure and thereby also rejecting the petitioner’s (ii) application dated 23.09.2021 for staying operation of the Order No.58 dated 30.07.2008 passed in the Bankruptcy Case No. 22 of 2004 and (iii) application dated 30.09.2021

for taking custody of the documents such as Memorandum of Deposit of Title Deeds and other documents as mentioned in said application should not to be declared to have been issued issued without lawful authority and is of no legal effect and or such other or further order or orders passed as to this Court may seem fit and proper.

The Rule is made returnable within 10(ten) days from date.

The interim order is to be considered after appearance of the respondents.

The petitioner is directed to put in requisites for service of notices upon the respondents through special messenger with in 24 (twenty four) hours.

Let the matter in the cause list on 28.05.2023 for further order.