

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

Writ Petition No. 712 of 2022

In the matter of:

An application under Article 102 of the
Constitution of the People's Republic of
Bangladesh

AND

In the matter of:

Md. Cherag Ali and another

..... Petitioners

-Versus-

Artha Rin Adalat No.1, Habiganj and another
.... Respondents

Mr. Ruhul Quayum, Advocate

.... For the petitioners

Mr. Abdullah Al Mubin, Advocate

.... For the respondent No. 2-Bank

Mr. Pratikar Chakma, DAG with

Mr. Humayun Kabir,

Ms. Farzana Rahman Shampa, and

Ms. Afroza Nazneen Akther, AAGs

... For the State

The 09th October, 2023

Present:

Justice Muhammad Khurshid Alam Sarkar

&

Justice Sardar Md. Rashed Jahangir

Instant Rule was issued on 16.01.2022 in the following terms;

"Let a Rule Nisi be issued calling upon the respondents to show cause as to why respondent. No. 1 Artha Rin Adalat No. 1, Habiganj should not be directed to dispose of the application dated 12.01.2022 under Section 49(1) of the Artha Rin Adalat Ain, 2003 (Annexure-H) on the fixed date and/or pass such other or further order or orders as to this Court may seem fit and proper."

At the time of issuance of this Rule, an interim Order was passed in the following manner;

"Pending hearing of the Rule, let the operation of dated 12.12.2021 impugned auction notice scheduled to be held on 17.01.2022 published in the Daily Habigonj er Mukh (Annexure-F) be stayed for a period of 03 (three) months from date."

Today, when the matter is taken up for hearing, by filing an affidavit, the learned Advocate for the respondent No.2-lender Bank submits that the lender Bank is in agreement with the request of the petitioner to the effect that the petitioner shall pay off the total dues in equal 4 (four) installments as per Section 49 of the Artha and Rin Adalat Ain, 2003 and prays that instead of hearing of this matter at length, if this Rule is made absolute then, there will be an effective disposal of this Rule.

In view of the fact that both the parties of the Suit have come to an agreement to settle the dispute out of Court amicably and this application has been filed by the respondent No.2-lender Bank praying for making the Rule absolute, therefore, this Court is of the view that if this Rule is made absolute with certain directions then, there will be an effective disposal of this Rule.

In the result, the instant Rule is made absolute, with the following directions;

- (i) The petitioner is directed to pay off the decretal amount in 4 (four) equal installments within 1 (one) year from the date of receipt of this Order i.e. the petitioner must pay each of the installments before

expire of 03 (three) months, first installment of which must be paid within next 03 (three) months i.e. on or before 10.01.2024.

- (ii) In any case, if the petitioner fails to pay one installment as per stipulations made hereinabove, the execution Court shall be competent to proceed with the execution process.

Communicate this Order at once.

Sardar Md. Rashed Jahangir, J

I agree.