

Writ Petition No. 6557 of 2023

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

14.06.2023

Mr. Md. Zainul Abedin, Advocate
.... For the petitioner
Mr. Kazi Mynul Hassan, DAG with
Ms. Farhana Parveen Bithi, AAG
Mr. Kalipada Mridha, AAG
Mr. Apurbo Kumar Biswas, AAG
..For the Respondents

Learned Advocate for the petitioners submits that the petitioners will pay Tk.50.00 (fifty) lac within 02(two) months, Tk.1.00 (one) crore within next 03(two) months and the rest within next 01(one) year by 06(six) equal installments.

In view of the above, we are inclined to pass the following order:

Let a Rule Nisi be issued calling upon the respondents to show cause as to why the impugned order No. 13 dated 05.05.2022 passed by the Artha Rin Adalat No. 4, Dhaka in Artha Execution Case No. 488 of 2022 awarding civil prison and issuing warrant of arrest against the petitioners (Annexure-C) now pending before the learned Artha Rin Adalat No. 4, Dhaka should not be declared to have been passed without lawful authority and is of no legal effect and/or pass such other or further order or orders as to this Court may seem fit and proper.

The Rule is made returnable within 4 (four) weeks.

The learned Deputy Attorney General opposes the prayer for ad-interim order.

Subject to the disposal of the Rule, let operation of the impugned order No. 13 dated 05.05.2022 passed by the Artha Rin Adalat No. 4, Dhaka in Artha Execution Case No. 488 of 2022 awarding civil prison and issuing warrant of arrest against the petitioners (Annexure-C) be stayed for a period of 2(two) months from date.

The petitioners are directed to pay Tk.50.00 (fifty) lac within 2(two) months, Tk.1.00 (one) crore within next 3(two) months and the rest within next 1(one) year by 6(six) equal installments.

The petitioners are also directed to file affidavit-in-compliance after payment of each installment failing which the Rule shall be discharged with cost of Tk.10.00 (ten) lac.

The petitioners are directed to put in requisites for service of notices upon the respondents by registered post as well as through usual process within 03(three) working days.