

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CIVIL REVISIONAL JURISDICTION)

Present:

Mr. Justice Md. Badruzzaman.

And

Mr. Justice Sashanka Shekhar Sarkar

CIVIL REVISION No. 4167 OF 2023.

Tonay Molla and others

...Petitioners.

-Versus-

Uttara Bank Limited and others .

....Opposite parties.

Mr. Meah Muhammad Abdullah Zahid, Advocate

... For the petitioners.

Mr. A.S.M Abdur Razzaque, Advocate

... For the opposite party No. 02.

Heard on: 12.02.2024, 25.02.2024.

Judgment on: 27.02.2024,

Md. Badruzzaman,J

This Rule was issued calling upon the opposite parties to show cause as to why judgment and order dated 28.05.2023 passed by Artha Rin Adalat, Narayangonj in Miscellaneous Case No. 09 of 2022 filed under section 32(2) of the Artha Rin Adalat Ain, 2003 read with rule 58 of Order 21 of the Code of Civil Procedure dismissing the case should not be set aside.

At the time of issuance of Rule this Court vide order dated 27.08.2023 directed the parties to maintain *statusquo* in respect of possession and position of the suit land for a period of 06 (six) months.

Facts relevant, for the purpose of disposal of this Rule, are that the petitioners as Third Party Claimants filed Miscellaneous Case No. 09 of 2022 under section 32(2) of the Artha Rin Adalat Ain, 2003 read with Order 21 rule 58 of the Code of Civil Procedure and the Adalat after

hearing the parties vide impugned order dated 28.05.2023 dismissed the miscellaneous case against which the present civil revision has been preferred.

At the time of pronouncement of judgment, Mr. Meah Muhammad Abdullah Zahid, learned Advocate appearing for the petitioners submits that in view of the provision under section 44 of the Artha Rin Adalat Ain, 2003 this revision is not maintainable and the parties should have challenged the impugned order dated 28.05.2023 in other forum and accordingly, he prays for discharging the Rule for non-prosecution.

Mr. A.S.M Abdur Razzaque, learned Advocate appearing for opposite party No. 02, Uttara Bank Limited found it difficult to oppose the prayer of the learned Advocate for the petitioners.

Considering the submission of the learned Advocate for the petitioners, the Rule is discharged for non-prosecution however, without any order as to costs.

The order of *statusquo* granted earlier by this Court is hereby vacated.

(Justice Md. Badruzzaman)

I agree.

(Mr. Justice Sashanka Shekhar Sarkar)