

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

Writ Petition No. 12776 of 2023

In the matter of:

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

AND

In the matter of:

Mahfuzur Rahman Mazumder

... Petitioner

-Versus-

Artha Rin Adalat No. 2, Dhaka and another

... Respondents

Mr. Md. Tazul Islam Akhand, Advocate

... For the petitioner

Mr. Md. Amimul Ehsan, Advocate

...For the respondent No.3-applicant

Mr. Tanim Khan, D.A.G. and

Mr. Dewan Humayun Kabir(Ripon), D.A.G
with

Ms. Fatema Yesmin, A.A.G.

Mr. Mehedi Hasan Ronve, A.A.G.

Ms. Elina Chowdhury, A.A.G. and

Mr. Sk. Naser Wahed (Shemon), A.A.G.

... For the respondents

Judgment on 03.09.2026

Present:

Justice Sardar Md. Rashed Jahangir

and

Justice Md. Ziaul Haque

Sardar Md. Rashed Jahangir, J:

On an application under article 102 of the Constitution of the
People's Republic of Bangladesh, the Rule Nisi was issued on
05.12.2023 as follows:

“Let a Rule Nisi be issued calling upon respondents to show as to why the impugned Order No. 59 dated 11.05.2023 passed by respondent no. 1 in Artha Rin Suit No. 340 of 2016 rejecting the application for accepting the written statement of the petitioner, shall not be declared to be without lawful authority and to be of no legal effect.”

For effective disposal of the Rule, it is not at all necessary to enter into the detail fact, save and except, the defendant No. 5, petitioner herein filed an application before the Artha Rin Adalat No. 2, Dhaka sought for accepting the submitted written statement. The application was rejected. Challenging which the petitioner filed the instant writ petition and obtained the Rule Nisi with an interim order of stay.

Referring to the Annexures to the writ petition, the petitioner apprised this Court that the written statement is ready to submit before the Artha Rin Adalat No. 2, Dhaka if he is so allowed.

By filing an application the respondent No. 3, bank conceded that it has no objection, if the written statement is directed to accept.

Considering the facts and circumstances and the statements through affidavit, we are of the view that justice would be best served for now, if a direction is given upon the Artah Rin Adalat No. 2, Dhaka to accept the written statement and thereby to proceed with the suit towards expeditious disposal.

Accordingly, the defendant No. 5, petitioner is hereby directed to submit his written statement with cost of Tk.10,000/- (ten thousand) in Artha Rin Suit No. 340 of 2016 before the Artha Rin Adalat No. 2, Dhaka within 60(sixty) days, failing which learned Judge of the Artha Rin Adalat is at liberty to proceed with the suit without allowing any unnecessary accommodation/adjournment.

The Artha Rin Adalat No. 1, Dhaka is hereby directed to accept the written statement, if so filed with cost and withdraw the suit from the ex-parte and to proceed with the suit in accordance with law expeditiously.

Accordingly, the Rule is made absolute.

Communicate the judgment and order at once.

Md. Ziaul Haque, J:

I agree.