

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

Writ Petition No. 14676 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:

Md. Mamun Ahmed

... Petitioner

-Versus-

Government of Bangladesh and others

... Respondents

Mr. Md. Bokhtiar Hossain, Advocate

... For the petitioner

Mr. Khan Mohammad Shameem Aziz, Senior Adv. With

Mr. Mostafa Mosharraf Hossain, Advocate

... For the respondent No. 3

Heard and Judgment on: 25.05.2025

Present:

Justice Sardar Md. Rashed Jahangir

and

Justice Kazi Waliul Islam

Sardar Md. Rashed Jahangir, J:

The Rule Nisi was issued on an application under article 102 of the Constitution of the People's Republic of Bangladesh calling upon the respondents to show cause as to why the Order No. 17 dated 15.10.2023 passed by the learned Judge, Artha Rin Adalat, Court No. 04, Dhaka (respondent No.02) in Artha Jari Case No. 379 of 2021 rejecting the petitioner's application under section 49(1) read with section 57 of Artha Rin Adalat Ain, 2003 sought for paying the remaining/rest decretal amount in four equal installments within one year and thereby awarding an order of civil imprisonment of the petitioner for a period of 06(six) months should not be declared to have

been passed without lawful authority and to be of no legal effect 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 the Rule, this Court was pleased to stay operation of the order No. 17 dated 15.10.2023 passed by the Judge, Arthar Rin Adalat No. 4, Dhaka in Artha Jari Case No. 379 of 2021 subject to payment Tk.2,00,000/- (two lac) within 3(three) months and the rest outstanding dues is to be paid within next 9(nine) months. The petitioner by submitting an affidavit-of-compliance to this Court apprising that the petitioner has paid the total outstanding dues of respondent No. 3-bank within the directed period and thus, learned Advocate for the petitioner sought for a direction upon the respondent-bank to exonerate him from the loan liabilities.

On the other hand, Mr. Khan Mohammad Shameem Aziz, learned Senior Advocate appearing with Mr. Mostafa Mosharraf Hossain, learned Advocate submits that in the meantime an amicable settlement took place between the judgment-debtor-borrower and respondent-bank and as per the settled term the borrower has paid the total amount and as such, now it is necessary to make the formalities to settle the loan matter finally, thus, he also prays for disposal of the Rule with a direction upon the parties to take initiative for the necessary formalities.

Heard learned Advocates of both the parties, perused the writ petition along with affidavit-of-compliance dated 22.05.2025.

In the premise above, it transpires to this Court that the borrower has already made payment towards fulfillment of the loan liabilities and thus, the Artha Jari Case No. 379 of 2021 is in fact has become infructuous and since some necessary steps is required to be taken to

dispose of the Artha Jari Case formally, thus, both the parties are directed to take joint steps to dispose of the Artha Jari Case No. 379 of 2021 now pending before the Artha Rin Adalat No. 4, Dhaka.

With the aforesaid observation and direction, the Rule is disposed of.

Communicate the judgment and order at once.

Kazi Waliul Islam, J:

I agree.