

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

Writ Petition No. 6454 of 2024

In the matter of:

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

AND

In the matter of:

Sahinul Islam (Shibly)

... Petitioner

-Versus-

Government of Bangladesh and others

... Respondents

Mr. Sk. Eusuf Rahman, Senior Advocate

... For the petitioner

Mr. Tamanna Ferdous, 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 dated: 12.08.2026

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
27.05.2024 as follows:

“Let a Rule Nisi be issued calling upon the respondents no.1-3 to show cause as to why the impugned Order no.20 dated 15.05.2024, passed by the learned Judge, Artha Rin Adalat, Court No.2, Dhaka in Artha Rin Case No.439 of 2020, rejecting the petitioner's application praying for time to submit written statement, as evidenced by Annexure-E, shall not be declared to have been passed without lawful authority and to be of no legal effect and/or such other or further order or orders passed as to this Court may deem fit and proper.”

For effective disposal of the Rule, it is not at all necessary to enter into the detail fact, save and except, the defendant No. 1, petitioner herein filed an application before the Artha Rin Adalat No. 1, Dhaka sought for an accommodation for facilitating the defendant to prepare and submit 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 Annexure-‘E’ to the writ petition, the petitioner apprised this Court that the written statement is ready to submit before the Artha Rin Adalat No. 1, 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. 1, Dhaka to accept the written statement and thereby to proceed with the suit towards expeditious disposal.

Accordingly, the defendant No. 1, petitioner is hereby directed to submit his written statement in Artha Rin Case No. 439 of 2020 before the Artha Rin Adalat No. 1, Dhaka within 1(one) month, failing which learned Judge of the Artha Rin Adalat is at liberty to proceed with the suit without allowing any unnecessary accommodation to the defendant.

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

With the aforesaid direction, the Rule is disposed of.

The interim order of stay is hereby recalled.

Communicate the judgment and order at once.

Md. Ziaul Haque, J:

I agree.