

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(ADMIRALTY JURISDICTION)**

**Execution Case No. 01 of 2025
(arising out of Admiralty Suit No. 83 of 2012)**

Md. Yousuf Ali, Proprietor, M/s Nuru and Sons
Co.

Decree holder-plaintiff
-Versus-

M.V. Hearty Falcon, sold in auction and others
Judgment debtors-principal defendants

Mr. S. K. Siddique, Senior Advocate, with
Mr. Mokim Miah, Advocate

... For the plaintiff

The 16th March of 2025

Present:

Mr. Justice Zafar Ahmed

This Court admitted the instant execution case on 18.02.2025. The execution case has been filed to recover the decretal amount of BDT 1,04,29,292.53 plus interest @ 22.18% per annum on the decretal amount to the tune of BDT 2,89,152,13.53 total BDT 3,93,44,506.06 as per the judgment and decree dated 03.12.2024 (decree signed on 04.02.2025) passed in Admiralty Suit No. 83 of 2012. Thereafter, this Court, vide order dated 27.02.2025 directed the Marshal of the Court to submit a report in respect of:

(a) The detail of auction sale of the vessel M.V. Hearty Falcon;

- (b) how many claims are registered against the vessel M.V. Hearty Falcon and their present status;
- (c) whether any payment has been made to satisfy the decree passed in other admiralty suit, if any, in relation to M.V. Hearty Falcon; and
- (d) the remaining balance in the account of Marshal re: auction sale proceed of M.V. Hearty Falcon.

The Marshal submitted a report dated 13.03.2025. It is stated in the report that 9 suits were filed against the vessel M.V. HEARTY FALCON being Nos. 106/2012, 104/2012, 60/2012, 64/2012, 83/2012, 85/2011, 79/2011, 05/2013 and 15/2013.

Out of 9 suits, 4 suits have been decreed. Those are Admiralty Suit Nos.106 of 2012, 104 of 2012, 5 of 2013 and 83 of 2012 for the amount of BDT 1,88,58,826.51, BDT 20,00,00,000.00, BDT 63.55,556.25 and BDT 104,29,292.63 respectively.

Admiralty Suit No. 15 of 2013 was dismissed for default on 17.10.2017. Admiralty Suit Nos. 85 of 2011 and 79 of 2011 were dismissed for non prosecution on 16.04.2013 and 28.12.2011 respectively.

Admiralty suit Nos. 64 of 2012 (Suit value Tk. 1,12,18,818.90) and 60 of 2012 (Suit Value Tk. 2,48,40,644.40) are now pending for disposal.

The Vessel M.V. HEARTY FALCON was sold in Auction on 30.05.2013 at an amount of BDT 25,20,00,000. Now, BDT 3,20,80,375.63 is remaining in the Marshal's account against the sale proceeds of the vessel after making the following payments:

- | | |
|--|----------------------|
| 1. 1% Marshall fee | -Tk. 25,20,000.00 |
| 2. As per Court's Order dated: 20.05.2018 in Execution Case No. 04/2017 (Arising out of Ad. Suit No. 104/2012) | -Tk. 20,00,00,000.00 |
| 3. As per Court's Order dated: 30.01.2024 in Execution Case No. 05/2021 (Arising out of Ad. Suit No. 106/2012) | -Tk. 1,30,13,862.06 |
| 4. As per Court's Order dated: 30.01.2024 in Execution Case No. 04/2016 (Arising out of Ad. Suit No. 05/2013) | -Tk. 43,85,762.31 |

Total = BDT 21,99,19,624.37

Accordingly, the remaining balance is Tk. 3,20,80,375.63.

I have perused the order dated 30.01.2024 passed in Execution Case No. 05 of 2021 (arising out of Admiralty Suit No. 106 of 2012). In the said order, this Court considered all the claims made in various

admiralty suits against the vessel M.V. Hearty Falcon and passed an order to make proportionate distribution keeping in mind all the claims against the vessel and by keeping the said Execution Case No. 05 of 2021 alive. In the said order dated 30.01.2024, it was considered that in Admiralty Suit No. 83 of 2012 which has given rise to the instant Execution Case No. 01 of 2025 the plaintiff's claim shall be reduced to proportionate amount of BDT 71,96,915.00.

Accordingly, the Marshal of this Court is directed to issue a Pay Order within 7 (seven) working days from the date of receipt of this order in the name of the plaintiff-decree holder, namely "**Md. Yousuf Ali, Proprietor, M/s. Nuru and Sons Co.**" for an amount of BDT 71,96,915.00.

Be that as it may, the payment is made provisionally and the present execution case shall be kept alive and shall be finally disposed of following the final disposal of Admiralty Suit Nos. 64 of 2012 and 60 of 2012.