

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

Present

Mr. Justice Sikder Mahmudur Razi
And
Mr. Justice Raziuddin Ahmed

Writ Petition No. 4147 of 2025

Md. Wohab Sheikh
.....Petitioner.

-Versus-

The Artha Rin Adalat, Faridpur
and others.

.....Respondents.

None appears

.....For the petitioner.

Mr. Ziaul Haque Sarker, Advocate

.....For the respondent No. 2.

The 2nd December, 2025

This is an application for discharging the rule.

Mr. Ziaul Haque Sarker, learned Advocate for the respondent No. 2-
applicant by filing an application submits that as per section 20 of the Ain,
no person can challenge the Order of the Adalat except under the provision
of this Ain. Under the provision of section 34(6) of the Ain, the Court shall
only release the Judgment-debtor if he pays 25% of the unpaid dues of the
decree-holder and executes a bond to pay the remaining in 90(ninety) days.
However, the petitioner-judgement debtor without paying 25% of the unpaid
dues stayed the impugned order of civil jail and got release from the civil jail
which is a violation of the express provision of the section 34(6) of the Artha
Rin Adalat Ain, 2003 and therefore the Writ is not maintainable. He further
submits that the petitioners' contention that a show cause notice before
awarding civil imprisonment must be issued which is a misconceived idea of
law and no such requirement has been prescribed in the section 34 of the
Artha Rin Adalat Ain, 2003 about issuing show cause notice.

He next submits that the petitioners' contention that as per section 6(5) of the Artha Rin Adalat Ain, 2003, that the decree holder bank must attach the moveable or immovable property of the borrower, then mortgagor then guarantor which is misconceived idea of law as there was no mortgage property against the loan except the personal guarantee provided by the petitioners. The Adalat is empowered to pass an order of civil imprisonment directly on the basis of an application filed under section 34(10) of the Artha Rin Adalat Ain, 2003 by the decree-holder bank to recover the decretal amount.

In support of the submissions the learned Advocate relied in the case of ABM Shirajum Monir Vs. Subordinate Judge, reported in 14 BLC 716 and in the case of Sujit Kumar Mondal Vs. Bangladesh and others reported in 13 BLC 391.

The application is not opposed.

We have heard the learned Advocate for the respondent No. 2-applicant. We have gone through the application and the materials on record and we find substance in the instant application.

Accordingly, considering the submissions of the learned Advocate for the respondent No. 2-applicant and being satisfied with the grounds taken in the application, we are inclined to allow the same and accordingly, the same is allowed.

As such, the rule is discharged with cost of Tk. 10,000/-. The interim order is hereby recalled and vacated.

The petitioner is directed to pay the said amount in the Account being No. 4435401017179 (savings account) maintained in the name of the Registrar General & Marshal of Supreme Court of Bangladesh, in default, the respondent bank will charge the said amount in the loan account of the petitioner and upon recovery of the dues will remit the said amount in the account mentioned above.

Communicate the order at once.

(Sikder Mahmudur Razi, J.)

(Raziuddin Ahmed, J.)