

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

WRIT PETITION NO. 5482 OF 2015

IN THE MATTER OF

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

-AND-

IN THE MATTER OF:

M/S One Thread & Accessories Ind. and
another

... Petitioners

-Versus-

Artha Rin Adalat, Court No. 3, Dhaka
and another

... Respondents

No one appears

.....For the petitioner

Mr. Hossain Al-Amin, Advocate

..... For the respondent No. 2

The 07th day of December, 2023

Present:

Mr. Justice J.B.M. Hassan

and

Mr. Justice Razik-Al-Jalil

J.B.M. Hassan, J:

This Rule Nisi was issued in the following terms:

“Let a Rule Nisi be issued calling upon the respondents to show cause as to why order No.24 dated 22.02.2015 passed by the learned Artha Rin Adalat, Court No. 3, Dhaka in Artha Rin Execution Case No. 16 of 2011 arising out of Artha Rin Suit No. 20 of 2009 sentencing the petitioner 6(six) months civil imprisonment and issuing warrant for arrest against petitioner No. 2 under section 34(1) of the Artha Rin Ain, 2003 as reproduced/quoted in

paragraph No. 5 of this writ shall not be declared to have been passed without any lawful authority and is of no legal effect and/or pass such other or further order or orders as to this Court may seem fit and proper.”

None appears for the petitioners when the matter is taken up for hearing.

Mr. Hossain Al Amin, learned Advocate for the respondent No. 2 submits that although the petitioners took an order for making the payment by four installments but they failed to repay the same due to which the warrant of arrest was issued and as such, there is no illegality in passing the impugned order.

We have gone through the writ petition, in particular, the grounds taken by the petitioners.

It appears that the petitioners were allowed to make the repayments within 06 (six) months. Therefore, he was under obligation to repay the installments within the schedule time of 06 (six) months.

Therefore, the writ petition is not tenable in the eye of law.

In the result, the Rule Nisi is discharged without any order as to costs.

Communicate a copy of the judgment and order to the respondents at once.

Razik-Al-Jalil, J:

I agree.