

Present : Md Hasan Zaman, Judge, Artha Rin Adalat No.1, Dhaka

Order No. 18
Dated-15.02.2026

Today is fixed for hearing of the application filed by the Decree-holder, **Phoenix Finance & Investment Ltd.**, under section **33(7) of the Artha Rin Adalat Ain, 2003**, upon submission of the original documents.

The learned Advocate for the Decree-holder appears and files hazira. The Decree-holder has also produced before the Court the original certificate issued earlier under 33(5) of the Ain along with the original title deeds of the mortgaged property others documents.

Heard the learned Advocate for the Decree-holder at length. Perused the petition, the record, and the original documents produced before the Court.

It appears from the record that in this decree execution proceeding, a certificate was issued **on 11.02.2024** in favour of the Decree-holder in respect of the scheduled property measuring **51** decimals, conferring possession and right of enjoyment thereof. Although such certificate in respect of the mortgaged property was duly issued in favour of the Decree-holder, the Decree-holder has failed to sell the said property. Consequently, the Decree-holder has surrendered the earlier certificate before this Court and has expressed its intention to have the ownership of the said property vested in its favour.

Section 33(6)(Ka) of the *Artha Rin Adalat Ain, 2003* provides that within six years from the date on which the property described in the certificate, together with possession and right of enjoyment, is vested in favour of the Decree-holder, the Decree-holder may, by filing a written application under sub-section (7), obtain ownership of the said property; and if no such application is made within six years, upon expiry of the said period, the ownership shall automatically vest in the Decree-holder, and the Court may issue a declaration or certificate to that effect.

In the present case, it is evident that the application under section 33(7) has been filed well within six years from the date of vesting of possession and enjoyment in favour of the Decree-holder. Therefore, the Decree-holder is legally entitled to a declaration that the ownership of the scheduled property has vested in its favour and to obtain a certificate under section 33(7) of the Ain.

Accordingly,

It is ordered that the ownership of the property described in the certificate earlier issued under section 33(5) of the *Artha Rin Adalat Ain, 2003* is hereby declared to have vested in favour of the Decree-holder under section 33(7) of the Ain. The

Office is directed to issue the certificate in favour of the Decree-holder subject to submitting of requisite cartidge Paper (কার্টিজ পেপার) accordingly.

The certificate earlier issued on 11.02.2024 under section 33(5) of the Ain is hereby cancelled and shall remain on record.

Let a copy of the certificate be transmitted to the concerned local Sub-Registrar's Office for registration.

It is further noted that no tax or registration fee shall be payable in respect of the said certificate.

With the above direction, the case is finally disposed of.

Let the order be communicated accordingly.

D/C by me

Md Hasan Zaman
Judge
Artha Rin Adalat No.1 Dhaka

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