

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

Order No. 57  
Dated-19.04.2026

Today is fixed for hearing of the application filed by the Decree-holder, **Sonali Bank Limited, Supreme Court Branch**, 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 produced before this Court the original certificate earlier issued under section 33(5) of the Ain, along with the original title deeds of the mortgaged property and other relevant documents.

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

It appears from the record that in this execution proceeding a certificate under section 33(5) of the Ain was issued on **08.07.2008** in favour of the Decree-holder in respect of the scheduled property described in Schedule measuring **20 Decimals** land including structures, conferring possession and right of enjoyment thereof upon the Decree-holder.

Although possession and right of enjoyment of the mortgaged property were duly vested in favour of the Decree-holder by virtue of the said certificate, the Decree-holder could not sell the property. The Decree-holder has accordingly surrendered the earlier certificate before this Court and has prayed for a declaration that ownership of the scheduled property has vested in its favour.

Section 33(6)(Ka) of the Ain provides that within six years from the date on which possession and right of enjoyment of the property described in the certificate are 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, ownership shall automatically vest in the Decree-holder, and the Court may issue a declaration or certificate to that effect.

In the present case, the application under section 33(7) has not been filed within six years from the date of vesting of possession and enjoyment. However, upon expiry of the statutory period, ownership of the scheduled property has automatically vested in favour of the Decree-holder by operation of law. Therefore, the Decree-holder is legally entitled to a declaration to that effect and to issuance of a certificate under section 33(7) of the Ain.

**Hence**

**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 08.06.2008 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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