

Artha Rin Suit No 781/2023

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

Order No- 33

Date- 12.04.2026

Today is fixed for necessary order on the application filed under Section 45 of the Evidence Act read with Section 57 of the Artha Rin Adalat Ain, 2003 seeking examination of the alleged signature of defendant No.2 appearing in the charge documents by a handwriting expert.

The record is taken up for hearing of the said petition.

Learned Advocate for defendant No.2 submits that defendant No.2 had no connection whatsoever with the loan transaction in question; that she is neither mortgagor, nor personal guarantor, nor signatory to any charge document; and that her name and signature were fraudulently used in the charge documents by bank officials. On such assertion, prayer has been made for expert examination of the disputed signatures.

On the other hand, learned Advocate for the plaintiff vehemently opposes the petition and submits that the instant application has been filed with mala fide intention solely to protract the disposal of the suit. It is further submitted that the suit is of the year 2021 and has already reached an advanced stage of trial, therefore no further delay ought to be permitted.

Heard learned Advocates of both sides, perused the petition, objection and the materials on record.

It appears from the record that the suit was instituted on 15.12.2021 for recovery of defaulted loan and is presently at the stage of P.H . At such an advanced stage, defendant No.2 has come forward with the present petition seeking forensic examination of signatures appearing in the charge documents.

The record further reveals that defendant No.1, namely M Muniruzzaman , is the principal borrower and defendant No.2 is his spouse. The charge documents on record contain the signature attributed to defendant No.2. No satisfactory explanation has been offered as to why such objection was not raised at the earliest stage of the proceeding, nor why the present prayer has been brought after substantial progress of the trial.

This Court is of the considered view that where a party remains silent for a prolonged period and raises such objection only at an advanced stage of trial, such conduct inevitably casts serious doubt upon the bona fide nature of the application. Mere denial of signature, without prompt challenge and without any cogent

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supporting material, cannot justify reopening of the evidentiary process through expert examination at this belated stage.

Moreover, the timing of the application unmistakably suggests an attempt to delay the conclusion of a long-pending suit, which is contrary to the spirit and object of the Artha Rin Adalat Ain, 2003 requiring expeditious adjudication of loan recovery matters.

Accordingly, this Court finds no legal justification to invoke Section 45 of the Evidence Act at this stage and no necessity for referring the disputed signatures to handwriting expert.

Hence, the petition dated 27.04.2025 filed by defendant No.2 is **hereby rejected**.

To -----for P.H.

D/C by me

**Md Hasan Zaman
Judge
Artha Rin Court No-1, Dhaka**

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