

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

Order no-18
Dt-06.05.2026

Today is fixed for cross examination of Pt.W.1 ,in default ending of evidence.

The petitioner is present by filing hazira. On the other hand, opposite party, City Bank PLC, also appears by filing hazira and raises no objection to the prayer made in the application.

Record is taken up for necessary order.

This is an application under section 19(2) read with section 57 of the Artha Rin Adalat Ain, 2003, filed by the petitioners seeking to set aside the ex parte judgment and decree dated **02.05.2024** passed in Artha Rin Suit No. **276 of 2024**.

Perused the application, documents on record, and heard the learned Advocate for the petitioners.

It appears from the record that the suit was decreed ex parte on 02.05.2024 and signed on 05.05.2024. The petitioner has stated that she came to know about the said ex parte decree on **20.07.2025**. Thereafter, within the statutory period, they filed the instant application and deposited 10% of the decretal amount amounting to Tk. 1,64,422/- vide **Pay Order No. 5731713** in compliance with section 19(3) of the Act, which has been duly accepted and kept on record.

The Court finds that the application has been filed within the prescribed time from the date of knowledge of the ex parte decree and the mandatory deposit has been duly complied with. The petitioners have also expressed their intention to contest the suit on merit.

Considering the above facts and circumstances, and in the interest of justice, the Court is of the view that the petitioners deserve an opportunity to contest the suit on merit.

Accordingly, the application deserves to be **allowed**.

Hence

It is Ordered

that the present Misc Case dated 17.08.2025 brought by **Mrs Zinia Sabrin** under Section 19(2) of the Artha Rin Adalat Ain, 2003 for setting aside the ex parte decree is **allowed**.

Thus the ex parte judgment and decree dated **02.05. 2024** passed in Artha Rin Suit No. **276 of 2024** against the applicant is hereby **set aside**.

মিস মোকদ্দমা নং ২৭৬/২০২৪

The Artha Rin Suit No. 276 of 2024 is restored to the file and the case shall stand revived to the stage of filing of written statement by the defendants (i.e., the present applicant).

The pay-order No. **5731713** for TK. **1,64,422/-** (representing 10% of the decretal amount) produced by the applicant is taken on record in compliance with Section 19(3) of the Act. The deposit shall remain in the court custody and be dealt with in accordance with law at the time of final disposal of the suit; any entitlement to refund or adjustment will be determined by the Court at any stage in accordance with law.

Serestader is directed to act on this order forthwith and communicate the same to the parties in the usual manner.

To-----for filing of W/S.