

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

Order No- 05

Date- 20.05.2026

Today was fixed for ex-parte hearing.

The plaintiff-bank appeared by filing hazira along with the original loan documents. On the other hand, none appeared on behalf of the defendants when the case was called on for hearing. As such, the suit record was taken up for ex-parte hearing.

Heard the learned Advocate for the plaintiff and perused the plaint, the documents annexed thereto, and the original documents produced before the Court. Upon such hearing, this Court orally indicated its decision to decree the suit ex parte.

Thereafter, at about 2:00 P.M. on the same day and before the formal judgment and decree were signed and sealed, the defendants appeared before the Court and filed a petition praying for time to submit their written statement and to contest the suit on merit.

Heard and perused the petition filed by the defendants as well as the entire record.

It appears from the record that although the matter was heard ex parte in the absence of the defendants, the formal judgment had not yet been prepared and signed, nor had any decree been drawn up. Therefore, the judicial process had not attained finality.

Under section 19 of the Artha Rin Adalat Ain, 2003, the defendant is required to submit written statement within the stipulated time, and the Court may proceed ex parte if the defendant fails to do so. However, the said provision does not take away the inherent jurisdiction of the Court to permit participation of the defendant before the judgment and decree are formally signed, where the ends of justice so require.

It is a settled principle of law that until a judgment is signed and the decree is drawn up, the Court retains full control over the proceedings and may, for sufficient cause and in the interest of justice, recall any oral order or indication previously made. The object of the Artha Rin Adalat is expeditious disposal of loan recovery suits, but such objective cannot override the fundamental principle that disputes should ordinarily be adjudicated on merit after affording both parties an opportunity of hearing.

The defendants have appeared on the very same day of ex parte hearing, before signing of the judgment and decree, and have expressed their intention to contest the suit. No substantial prejudice will be caused to the plaintiff if a short opportunity is granted to file written statement, whereas refusal of such opportunity may result in irreparable prejudice to the defendants and may lead to multiplicity of proceedings by way of applications under law.

The law strongly favors adjudication on merit rather than technical disposal. Since the defendants appeared promptly and sought leave to contest the suit before the decree attained finality, this Court is of the view that the ends of justice would be best served by recalling the oral ex parte order and allowing the defendants to participate in the proceedings.

**Hence ,
it is ordered**

That the petition filed by the defendants is **allowed** subject to payment of **cost of Tk. 2,000/- (Taka Two Thousand)**.

The oral order passed earlier today indicating ex parte decree of the suit is hereby **recalled and vacated**.

The defendants are permitted to file their written statement within the statutory period.

To -----for filing written statement by the defendants.

C/D by me

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

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