

আদেশ নং-
তাং ১৮/০৫/২০২৬ ইং

Today is fixed for pronouncement of judgment.

The plaintiff appears by filing hazira. Learned Advocate for the defendants also appears and files a petition seeking adjournment of the suit on the ground that the defendants are preparing to file a Writ Petition challenging the order dated 07.05.2026. However, no order of stay, injunction, or any other direction passed by the Hon'ble High Court Division has been produced or filed before this Court today.

Upon perusal of the entire record, it appears that the present suit was instituted on 27.11.2016 by the plaintiff against defendant No.1, Clewiston Accessories Industries Ltd., and other defendants under the provisions of the Artha Rin Adalat Ain, 2003 for realization of an outstanding loan liability amounting to Tk. 23,58,09,480/-.

The record further reveals that on 27.05.2024, when the suit was fixed for pronouncement of judgment, the defendants sought adjournment on the plea that they would produce further order passed by the Hon'ble High Court Division in Writ Petition No.8182 of 2017. It appears that in the said writ petition, the Hon'ble High Court Division by order dated 05.06.2017 stayed all further proceedings of the present suit for a period of six months only.

The order-sheet further demonstrates that since 26.06.2024, approximately sixteen consecutive dates have elapsed. During this prolonged period, despite repeated opportunities being granted by this Court, the defendants utterly failed to produce any extension order or any subsisting order of stay passed by the Hon'ble High Court Division. Rather, the defendants continued to seek adjournments on one ground or another with the sole intention of delaying the disposal of the suit.

The conduct of the defendants, viewed in its entirety, clearly manifests a deliberate and calculated attempt to frustrate and delay the adjudication of the present suit. Although ample opportunities were afforded over a considerable length of time, the defendants remained unable to produce any operative order from the superior Court. Instead of diligently prosecuting the matter before the Hon'ble High Court Division, they resorted to repeated interlocutory applications and thereafter allowed the matter to remain dormant, thereby obstructing the expeditious disposal of the suit.

It is now a well-settled principle of law that a litigant seeking equitable relief from the Court must approach the Court with bona fide intention and due diligence. No party can be permitted to abuse the process of the Court by obtaining interim protection and thereafter indefinitely delaying the judicial proceeding without taking effective steps

before the superior Court. Judicial process cannot be allowed to be used as an instrument for protracting litigation endlessly.

The Artha Rin Adalat Ain, 2003 is a special legislation enacted with the avowed object of ensuring expeditious adjudication of loan recovery disputes and prompt realization of public money advanced by banks and financial institutions. Unwarranted and unnecessary delays in such proceedings defeat the very spirit and legislative intent of the statute and seriously prejudice the interests of the financial institution concerned, which deals with and manages public funds.

In the present case, this Court finds that the defendants have already been granted more than sufficient opportunity to produce any further order passed by the Hon'ble High Court Division in connection with Writ Petition No.8182 of 2017. Despite lapse of substantial time and repeated indulgence shown by this Court, the defendants failed to produce any subsisting or operative order of stay. Such conduct unmistakably demonstrates their lack of bona fide intention and their persistent attempt to delay the final adjudication of the suit.

It further appears that by order dated 14.05.2026, the suit was again fixed for pronouncement of judgment. Even on today's date, the defendants failed to produce any order whatsoever from the Hon'ble High Court Division staying further proceedings of this suit.

Having considered the facts and circumstances stated above, this Court is of the considered view that no useful purpose would be served by granting any further adjournment. The petition for adjournment filed by the defendants is therefore rejected.

Accordingly, the record is now taken up for pronouncement of judgment forthwith.

The judgment, consisting of 16 (Sixteen) pages typed and corrected by me, has been pronounced in open Court today. The judgment comprising 08 (Eight) folios has been kept into the record accordingly.

In result the case succeeded.

Court Fee paid is correct

Hence,

It is Ordered

That the present suit be decreed on contest against Defendant Nos. 1-2 and 4 and ex-party against the other defendant with costs for an amount of **Tk.**

23,58,09,480/= (Taka Twenty Three Crore Fifty Eight Lac Nine Thousand Four Hundred Eighty) **up to 01.11.2016.**

The Plaintiff shall be entitled to receive the said amount together with interest or profit as applicable under the prevailing laws or rules from **27.11.2016**, i.e., the date of filing of the suit, until full realization.

The Defendants are directed to pay the decree amount, together with interest or profit, in favor of the Plaintiff **within sixty (60) days** of the pronouncement of this judgment. In the event of default, the Plaintiff shall be entitled to recover the decree amount through lawful proceedings before the Court.

If the Defendants have made any payments during the pendency of the suit, the Plaintiff is directed to adjust the same in accordance with the law.

Typed & Corrected by Me

Md. Hasan Zaman
Judge (Joint District Judge),
Artha Rin Adalat No-1 ,Dhaka

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