

Artha Rin Suit No 55/2025

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

Order No- 42

Today is fixed for cross examination of P.W.1.

Date- .04.2026

The plaintiff and the defendant No.2 are present by filing hazira.

The defendant No.2 has filed an application 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 24.08.2020 for recovery of defaulted loan and is presently at the stage of further hearing. 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 **Md Jahirul Islam** , 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

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stage of the proceeding, nor why the present prayer has been brought after substantial progress of the trial.

This Court has also undertaken a careful comparison of the signatures appearing in the charge documents, particularly the Letter of Guarantee, with those available in the Written Statement and the present petition for expert filed by defendant No.2. Upon such comparison, this Court finds that the signatures are substantially similar and correspond in all material particulars.

In this context, it is pertinent to note that under the settled principles of evidence, the Court itself is competent to compare disputed signatures with admitted ones. Where such comparison does not give rise to any reasonable doubt, recourse to expert opinion under Section 45 of the Evidence Act is not mandatory.

In the present case, the comparison made by this Court does not create any suspicion or ambiguity regarding the genuineness of the signatures. Rather, the consistency and similarity of the signatures clearly negate the allegation of forgery as raised by the Defendant No. 2. As such, this Court is satisfied that there exists no necessity to refer the matter to a handwriting expert, particularly when such reference would serve no useful purpose except delaying the proceeding

In the present case, the conduct of the Defendant No. 2 in remaining silent for a considerable period and raising such objection only at an advanced stage of trial casts serious doubt upon the bona fide of the application. The timing of the application strongly indicates an attempt to delay the conclusion of a long-pending suit. Such an attempt is clearly contrary to the spirit and object of the Artha Rin Adalat Ain, 2003, which mandates expeditious disposal of loan recovery cases.

In view of the above facts and circumstances, this Court finds no sufficient legal ground to invoke Section 45 of the Evidence Act at this stage, nor any necessity to refer the disputed signatures to a handwriting expert.

Accordingly, the application dated 01.07.2026 filed by Defendant No. 2 is hereby rejected.

Let the case be fixed on -----for cross-examination of P.W.1, failing which the suit shall proceed ex parte.

D/C by me

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

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