

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

Order No.101
Date-21.06.2026

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

The plaintiff has entered appearance by filing hazira.

Learned Advocate for the defendant appears and files an application under **Order XLVII of the Code of Civil Procedure read with Sections 44 and 57 of the Artha Rin Adalat Ain, 2003** praying for recall of Order No.100 dated 22.04.2026 and for a direction upon the plaintiff Bank and the Bangladesh Bank to produce the complete and original Export Control Register for the period of 2008–2014 in compliance with the judgment dated 15.05.2025 passed by the Hon'ble High Court Division in Writ Petition No.5540 of 2024.

Heard the learned Advocates for both sides at length. Perused the petition, the objection, the materials on record and the relevant orders passed in this suit.

Learned Advocate for the defendant submits that the Hon'ble High Court Division, in **Writ Petition No.5540 of 2024**, specifically observed that the Export Control Register is required to be inspected for proper adjudication of the dispute, as the correctness and propriety of the creation of the loan facility constitute one of the material questions involved in the present suit. It is further contended that despite such direction, the plaintiff Bank produced the BOL (Bill of Lading) Register instead of the Export Control Register for the period of 2008–2014 and thereby failed to comply with the mandate of the Hon'ble High Court Division. Hence, the defendant seeks recall of Order No.100 dated 22.04.2026 whereby the plaintiff and Bangladesh Bank were exempted from producing the said register and prays for a fresh direction for production of the complete Export Control Register.

On the other hand, the learned Advocate for the plaintiff Bank vehemently opposes the petition and submits that the plaintiff has already complied with the judgment of the Hon'ble High Court Division by producing the available Export Control Register. It is further submitted that the defendants have been continuously adopting dilatory tactics and filing one application after another with the sole intention of delaying disposal of the suit since the suit reach in P.H in the year 2017. It is argued that the plaintiff cannot be made to suffer because of the defendants' deliberate non-cooperation.

Upon careful consideration of the submissions of both sides and the materials on record, it appears that the present suit has remained at the stage of cross-examination of P.W.1 since **07.10.2019**, which itself reflects an extraordinary and wholly undesirable delay in the progress of the trial. The record further reveals that pursuant to the judgment passed by the Hon'ble High Court Division in Writ Petition No.5540 of 2024, this Court directed production of the Export Control Register for the relevant period. In compliance thereof, the plaintiff Bank has produced an attested photocopy of the Export Control Register covering the period from **26.01.2011 to 21.08.2013**, which has already been accepted and kept with the record. The plaintiff has also produced the BOL Register containing export L/C related information so far as it relates to defendant No.1, **Doctom Sweater Ltd.**

Therefore, the contention of the defendants that no Export Control Register has been produced at all is not borne out by the record. However, it is equally evident that the Export Control Register produced by the plaintiff does not cover the period from **2008 to 2010** nor does it include the relevant record, if any, for the year **2014**. Since the direction of the Hon'ble High Court Division contemplated production of the Export Control Register for the relevant period available in the custody of the plaintiff Bank, this Court is of the considered opinion that the plaintiff Bank should produce the remaining portion of the Export Control Register, if available, relating to the period **2008–2010 and 2014**, so far as the same relates to defendant No.1 Company.

So far as Bangladesh Bank is concerned, nothing has been placed before this Court to show that Bangladesh Bank is the custodian of the Export Control Register sought by the defendants. On the contrary, the record indicates that such register is maintained by the plaintiff Bank in the ordinary course of its banking business. Accordingly, no ground has been made out for recalling that part of Order No.100 dated 22.04.2026 whereby Bangladesh Bank was exempted from producing the said register.

At the same time, this Court cannot lose sight of the conduct of the defendants throughout the proceeding. The record unmistakably demonstrates that despite repeated opportunities, the defendants have failed to complete the cross-examination of P.W.1 and have repeatedly filed miscellaneous applications at different stages, thereby frustrating the expeditious disposal of this long-pending Artha Rin Suit. The legislative intent behind the Artha Rin Adalat Ain, 2003 is the speedy realization of

financial claims and prompt disposal of such suits. The Court cannot permit procedural applications to become instruments for protracting the trial indefinitely.

It is also pertinent to observe that the burden of proving the plaintiff's case squarely lies upon the plaintiff itself. If the plaintiff ultimately fails to produce any document necessary to substantiate its claim, it shall bear the legal consequences thereof at the time of final adjudication. Such possibility, however, cannot be allowed to halt the progress of the trial indefinitely, particularly when the cross-examination of P.W.1 has remained pending since **07.10.2019**.

Accordingly, the petition is **allowed in part**.

Hence,

it is ordered that:

The prayer for recalling Order No.100 dated **22.04.2026** is **allowed only to the limited extent** that the plaintiff Bank shall produce, if available in its custody, the **Export Control Register relating to the period 2008–2010 and 2014**, so far as it concerns defendant No.1 Company, on or before the next date fixed.

The remaining portion of the prayer is **rejected**. The exemption granted in favour of **Bangladesh Bank** under Order No.100 dated **22.04.2026** shall remain **unaltered**, there being no sufficient ground to interfere with the said order.

The defendants are **directed to proceed with and complete the cross-examination of P.W.1 without fail**, and **shall not seek any adjournment on the pretext of non-production of the aforesaid documents**, as the pendency of production of additional documents cannot be permitted to obstruct the progress of the trial.

The defendants are **put on clear notice** that this suit has remained pending for an inordinately long period and the stage of cross-examination of P.W.1 has continued since **07.10.2019** mainly because of repeated applications and lack of effective participation on their part. **No unnecessary adjournment or dilatory tactic shall be tolerated henceforth**, and if the defendants fail to proceed with the cross-examination on the next date, this Court shall proceed strictly in accordance with law and shall be at liberty to treat the opportunity of cross-examination as closed.

Let the matter be fixed for **cross-examination of P.W.1** on the next date. The plaintiff shall ensure compliance with the above direction before the

commencement of the cross-examination, if the relevant records are available in its custody.

Inform the parties accordingly

To-----for Cross examination of P.W.1 and production of documents by plaintiff as directed above.

Typed & Corrected by Me

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

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