



Year 2014 Volume 2

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A Newsletter of  
Rahman's Chambers

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**URGENT NEED FOR A COMMERCIAL COURT IN  
BANGLADESH**

Mohammed Forrukh Rahman\*

As per the Civil Procedure Rule (CPR) part 58 of UK, commercial claims are described as any claim arising out of transaction of trade and commerce including any claim relating to contract, export and import of goods, carriage of goods by land, sea, air or pipeline etc. In England, Commercial Court is a subdivision of Queen's Bench Division of the High Court of Justice. There is a separate court for shipping matters known as Admiralty Court.

In Bangladesh, there is a Single Bench in Hon'ble High Court Division of Supreme Court of Bangladesh dealing with Admiralty matters. The jurisdiction of the said Honorable Court is limited to any claim mostly related to ship and it does not cover claim entirely based on import & export of goods, international trade related dispute etc.

The volume of international trade is increasing day by day. At the same time, disputes and claims arising out of L/C, back to back L/C, outstanding payment, lose of goods, lose of cargos, short supply of goods, rejection, discrepancies etc are increasing day by day with the rapid growth of trade. Timely resolution of commercial disputes is an essential requirement for economic development.

At present any claim of payment for failure to pay on maturity date, claim arising under lose or damage of goods, short supply of goods, payment of freight of the carrier are required to be recovered by filing money suit in the Joint District Judges Court or court below. The same learned Courts also deal with Artho Rin matters; title related disputes, general contractual claims, land related matters etc, resulting in huge pile up of litigations with extremely slow progress rate. Generally, from filling till first hand judgment, a litigator is required to wait from two to six years in commercial matters.

Besides, handling commercial disputes requires expert knowledge and experience in international and local trade related laws, carriage related laws, international convention, INCO terms, uniform practice rules etc. It is highly unlikely the Court with so many jurisdictions or powers will be able to develop expertise in such area.

Trade related disputes are mostly based on documents. There is hardly any need for witness's statement, accordingly those can be tried summarily based on documents submitted in evidence under affidavit. The same practice is all ready in place with regard to writ jurisdiction of Hon'ble High Court Division and also with Company Bench of the same division.

Accordingly, in order to expedite the disposal of commercial disputes and claim, it is required that a special commercial bench may be constituted as a part of High Court Division of Hon'ble Supreme Court of Bangladesh, comprising a single judge chosen from the Hon'ble Judges of High Court Division having knowledge and expertise in dealing with commercial matters. Since any commercial dispute generally involves banks, local or foreign buyer or seller, shipping lines, freight forwarder, global banks etc, such step would certainly help in building confidence of parties involved while dealing with Bangladeshi entities, as they will know that any dispute can be resolved or any claim can be settled quickly in Bangladesh.

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