



FAQ Regarding Enforcement of Foreign Judgement in Bangladesh

- **Are foreign judgements enforceable in Bangladesh?**

Yes, according to Section 44A of the Code of Civil Procedure 1908, foreign judgements can be enforced in Bangladesh

- **What are the requirements for enforcement of foreign judgements in Bangladesh?**

In order to enforce a judgement of a foreign court, certain requirements must be met:

- i. A certified copy of the foreign decree must be submitted to the relevant District Court;
- ii. The decree must be from a court that has been declared “superior” as per an official gazette notification for the purposes of Section 44A of the Code of Civil Procedure 1908;
- iii. The foreign jurisdiction must be a reciprocating territory of Bangladesh;
- iv. The decree must be conclusive.

- **What is a reciprocating territory?**

A “reciprocating territory” is a country or territory that by notification of an official gazette, is declared by the Government of Bangladesh to be so. For example, the United Kingdom and India are reciprocating territories of Bangladesh but the United States of America is not.

- **When is a judgement not conclusive?**

A decree of foreign jurisdiction will be deemed to be inconclusive if:

- a) The court which pronounced it is not of competent jurisdiction;
- b) The judgement was not passed on the merits of the case;
- c) It is determined that an incorrect view of international law exists or where applicable, there was refusal to recognise the laws of Bangladesh;
- d) The proceedings go against the concept of natural justice;
- e) The judgement was obtained by fraud;
- f) There has been a breach of any law already in force in Bangladesh.

- **What are the difficulties of enforcing foreign judgements?**

In enforcing a foreign judgement, there are both legal and practical difficulties:

- a) All judgements from reciprocating territories cannot be enforced;



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- b) Since the judgement of the District Court can be appealed in the High Court Division of the Supreme Court of Bangladesh, the actual enforcement may be delayed;
- c) In case the District Court passes an interim order, the aggrieved party may choose to file a suit of revision in the High Court Division of the Supreme Court of Bangladesh. In this case, the High Court Division reserves the right to order a stay on the proceedings of the execution suit until revision is concluded. Such process will cause delay the execution of the foreign judgement.
- d) Special permission may be required from Bangladesh Bank before any payment for the foreign judgement can be remitted outside Bangladesh.

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