

The Maintenance Orders Enforcement Act, 1921

(ACT NO. XVIII OF 1921)

^{1♣}An Act to facilitate the enforcement in Bangladesh of Maintenance Orders made in other Countries and vice versa.

WHEREAS it is expedient to facilitate the enforcement in Bangladesh of Maintenance Orders made in Other Countries and vice versa;

It is hereby enacted as follows:-

Short title and extent

1.(1) This Act may be called the Maintenance Orders Enforcement Act, 1921.

(2) It extends to the whole of Bangladesh.

Definitions

2. In this Act unless there is anything repugnant in the subject or context,-

"Court of summary jurisdiction" means the Court of a District Magistrate;

"dependants" means such persons as a person against whom a maintenance order is made is liable to maintain according to the law in force in the country in which the maintenance order is made;

"maintenance order" means a decree or order, other than an order of affiliation, made by a Court in the exercise of civil or criminal jurisdiction for the periodical payment of sums of money towards the maintenance of the wife or other dependants of the person against whom the order is made;

"prescribed" means prescribed by rules made under this Act;

"proper authority" means the authority appointed by, or under the law of, a reciprocating territory to receive and transmit documents to which this Act applies; and

"reciprocating territory" means any country in respect of which this Act for the time being applies.

**Reciprocal
arrangements**

3. If the Government is satisfied that provisions have been made by the legislature of any country for the enforcement within that country of maintenance orders made by Courts in Bangladesh, the Government may, by notification in the official Gazette, declare that this Act applies in respect of that country and thereupon it shall apply accordingly.

**Registration
of
maintenance
orders**

4.(1) Where a maintenance order has, whether before or after the passing of this Act, been made against any person by any Court in any reciprocating territory, and a certified copy of the order has been transmitted by the proper authority of that territory to the Government, the Government shall send a copy of the order to the prescribed officer of a Court in Bangladesh for registration, and, on receipt thereof, the order shall be registered in the prescribed manner.

(2) The Court in which an order is to be so registered as aforesaid shall, if the Court by which the order was made was, in the opinion of the Government, a Court of superior jurisdiction, be the High Court Division, and, if the Court was not, in its opinion, a Court of superior jurisdiction, be a Court of summary jurisdiction.

**Transmission
of
maintenance
order made
in
Bangladesh**

5. Where a Court in Bangladesh has, whether before or after the commencement of this Act, made a maintenance order against any person, and it is proved to that Court that the person against whom the order was made is resident in a reciprocating territory, the Court shall send to the Government, for transmission to the proper authority of that territory, a certified copy of the order.

**Power of
summary
Courts to
make
provisional
maintenance
orders**

6.(1) Where application is made to a Court of summary jurisdiction in Bangladesh for a maintenance order against any person, and it is proved that that person is resident in a reciprocating territory, the Court may, in the absence of that person, if after hearing the evidence it is satisfied of the justice of the application, make any such order as it might have made if that person had wilfully neglected to attend the Court; but in such case the

order shall be provisional only and shall have no effect unless and until confirmed by a competent court in such territory.

(2) The evidence of every witness who is examined on any such application shall be reduced to writing, and such deposition shall be read over to, and signed by him.

(3) Where such an order is made, the court shall send to the Government, for transmission to the proper authority of the reciprocating territory in which the person against whom the order is made is alleged to reside, the depositions so taken and a certified copy of the order together with a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing and such information as the Court possesses for facilitating the identification of that person and ascertaining his whereabouts.

(4) Where any such provisional order has come before a Court in a reciprocating territory for confirmation, and the order has by that court been remitted to the Court of summary jurisdiction which made the order for the purpose of taking further evidence, that Court shall, after giving the prescribed notice, proceed to take the evidence in like manner and subject to the like conditions as the evidence in support of the original application.

(5) If it appears to the Court hearing such evidence that the order ought not to have been made, the Court may rescind the order, but in any other case the depositions shall be sent to the Government and dealt with in like manner as the original depositions.

(6) The confirmation of an order made under this section shall not affect any power of a Court of summary jurisdiction to vary or rescind that order:

Provided that, on the making of a varying or rescinding order, the Court shall send a certified copy thereof to the Government for transmission to the proper authority of the reciprocating territory in which the original order was confirmed, or to which it was sent for confirmation and that, in the case of an order varying the original order, the order shall not have any effect unless and until confirmed in like manner as the original order.