

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(Civil Appellate Jurisdiction)**

First Miscellaneous Appeal No. 66 of 2018

In the matter of:

Abdullah Al Mamun

... Appellant

-Versus-

Bangladesh House Building Finance corporation
...Respondent

Mr. Mohammad Abdullah, Advocate

...For the appellant

Mr. Mohammad Saiful Islam, Advocate

....For the respondent 1

Heard and Judgment on 06.11.2024

Present:

Mr. Justice Md. Mozibur Rahman Miah

And

Mr. Justice Md. Bashir Ullah

Md. Mozibur Rahman Miah, J.

At the instance of the opposite party namely, Abdullah Al Mamun, this appeal is directed against the judgment and order dated 08.05.2017 passed by the learned District Judge, Sherpur in Miscellaneous Case No. 9 of 2017 filed under Article 27 of President order No. 07 of 1973 (PO 07 of 1973) decreeing the suit

In a nutshell, the facts so stemmed from the impugned judgment and order that the present appellant availed a loan facility amounting to taka 3,44,000/- for constructing a house by mortgaging the landed property. However, that very loan was sanctioned for a period of 25 years with a monthly installment at taka 3,050/-. Since the appellant failed to repay the amount within the stipulated period of time, the present respondent then filed the said Miscellaneous Case claiming an amount of

taka 14,97,603/- with interest so outlined in the respective sanction letter. Though in the said case the appellant was filed written objection but on the date of passing impugned judgment he did not turn up resulting in, the said Miscellaneous Case was allowed *exparte*.

Being aggrieved by and dissatisfied with the said judgment and order passed *exparte*, the opposite party to the case as appellant preferred this appeal. When the appeal was being proceeded, the appellant paid back all the outstanding dues as claimed by the respondent as per the direction so have been given in the operative portion of the impugned judgment. By filing a counter-affidavit, the respondent also asserted receiving of said repayment of its dues towards the appellant as evident in paragraph nos. 5 and 6.

Mr. Mohammad Saiful Islam, the learned counsel appearing for the respondent in support of that very assertion then submit that, since the dues of this respondent has already been repaid by the appellant so no claim now stands against the present appellant and prayed disposal of the appeal.

At the midst of passing the judgment, Mr. Mohammad Abdullah, the learned counsel appearing for the appellant also concurred the said submission of the learned counsel for the respondent. We have considered the said submission and perused the memorandum of appeal including the impugned judgment and the counter-affidavit. Since as per the direction of the impugned judgment, the appellant has already repaid the outstanding dues, so there has been no claim against the appellant.

Accordingly, the appeal is disposed of finding to have already liquidated all the dues of the respondent no. 1 by the appellant.

The order of stay granted at the time of admitting the appeal is thus recalled and vacated.

Let a copy of this judgment and order be communicated to the court concerned forthwith.

Md. Bashir Ullah, J.

I agree.