

District- Kushtia.

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION,
(CIVIL APPELLATE JURISDICTION)**

Present:

Mr. Justice Md. Toufiq Inam

First Misc. Appeal No. 119 of 2018.

Md. Taffazal Karim,

----- Defendant-Appellant.

-Versus-

Regional Manager, Bangladesh House Building
Finance Corporation, Kushtia.

----- Plaintiff-Respondent.

No one appears.

----- For the Defendant-Appellant.

Mr. Mohammad Saiful Islam.

----- For the Plaintiff-Respondent.

Heard and Judgment delivered on: 30.10.2025.

Md. Toufiq Inam, J.

The instant First Miscellaneous Appeal has arisen out of the judgment and order No. 74 dated 16.11.2017 passed by the learned Special District Judge, Kushtia, in Miscellaneous Case No. 05 of 2002, allowing the said Miscellaneous Case in favour of the plaintiff, Bangladesh House Building Finance Corporation (hereinafter referred to as “HBFC”).

The facts, in brief, are that the respondent-plaintiff, HBFC, is a statutory corporation engaged in providing financial assistance for the construction of houses. The appellant applied to the respondent for such financial assistance, and upon due consideration, the authority sanctioned a loan facility. Pursuant thereto, the appellant, on 10.02.1983, executed a registered mortgage deed being No. 2858 in favour of HBFC and obtained a loan of Tk. 75,000/- at an interest rate of 13%. Subsequently, on 18.03.1984, the appellant availed another loan of Tk. 52,000/- at 10% interest by executing another registered mortgage deed being No. 5493 dated 18.03.1984.

However, the appellant failed to repay any amount towards adjustment of the said loans within the stipulated period. As a result, the outstanding liability continued to accumulate, and by 31.03.2001, the total loan amount together with accrued interest stood at Tk. 3,89,763.91. The respondent, having found no other recourse, instituted Miscellaneous Case No. 05 of 2002 before the learned Special District Judge, Kushtia, for recovery of the said dues. The learned Court below, upon hearing both parties

and considering the evidence on record, allowed the Miscellaneous Case by the impugned judgment and order dated 16.11.2017.

Being aggrieved, the appellant preferred the present First Miscellaneous Appeal No. 119 of 2018 before this Court, which was duly admitted. During pendency of the appeal, upon the prayer of the learned Advocate for the appellant, operation of the impugned judgment and order was stayed for a limited period.

The appeal has appeared in the daily cause list for hearing with the names of the learned Advocates for both parties, but none appears to press the appeal on behalf of the appellant. On the other hand, Mr. Mohammad Saiful Islam, learned Advocate for the respondent HBFC, is present and opposes the appeal.

Mr. Islam submits that the appellant has already liquidated the entire outstanding dues in compliance with the impugned judgment and order, except for the cost of the case, and that an execution case being No. 03 of 2018 is still pending before the

learned District Judge, Kushtia. He contends that since the appellant has fully satisfied the decretal amount, nothing remains to be adjudicated in this appeal except the issue of litigation cost, which can appropriately be addressed in the pending execution proceeding.

Upon consideration of the submissions and the materials on record, it is evident that the appellant has complied with the impugned judgment and order by making full payment of the outstanding dues to the respondent. Once the decretal amount has been satisfied, the underlying cause of grievance ceases to exist, rendering the appeal infructuous. The appellate jurisdiction is meant to redress subsisting grievances; where compliance has already been made and the impugned order has been acted upon, the appeal loses its efficacy and continuation of the proceeding would serve no useful purpose.

Accordingly, this Court finds no merit in the appeal, as no legal question or substantial grievance survives for adjudication.

In the result, **the appeal is dismissed.**

The order of stay granted earlier is hereby recalled and vacated.

The Plaintiff-Respondent, if so advised, may pursue the pending execution case only for recovery or adjustment of the cost of litigation, if any, in accordance with law.

Let a copy of this judgment be transmitted to the learned Court below for information and necessary action.

(Justice Md. Toufiq Inam)

Ashraf/A.B.O.