

District: Dhaka

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
(CIVIL REVISIONAL JURISDICTION)

Present

**Mr. Justice Sardar Md. Rashed Jahangir**

**F.M.A. No. 148 of 2014**

**With**

**F.M.A. No. 222 of 2015**

In the matter of :

Shifar Banu

...Appellant

-Versus-

Mahfuza Begum and others

...Respondents

Mr. Mosharrof Hossain Sarder, Advocate with  
Ms. Suraiya Sharmi, Advocate

...For the appellant

Mr. Zulfiqur Ahmed, Advocate

...For the Added appellant.

**Judgment on: 12.02.2025**

Both the miscellaneous appeals have been posted in the list for hearing.

At the mid of hearing learned Advocate Mr. Mosharrof Hossain Sarder appearing with Ms. Suraiya Sharmi, learned Advocate for the respondent No. 1 by filing an application for dismissing the First Miscellaneous Appeal as being infructuous, informed this Court that during pendency of the appeals on

22.02.2022, Md. Khorshed Alam, the declared lunatic by the District Judge, subject of both the appeals has died.

Mr. Hossain further submits that since Md. Khorshed Alam, the declared lunatic, subject of the appeal passed away on 22.02.2022 and as such, both the appeals arisen out of the order dated 03.06.2013 passed in Case No. 1 of 2013 under Act IV of 1912 (Lunacy Act, 1912) by the District Judge, Dhaka appointing the respondent No. 1, Mahfuza Begum as guardian of her lunatic husband and the order dated 28.01.2014 passed by the District Judge, Dhaka in Permission Case No. 4 of 2013 arising out of Case No. 1 of 2013 according permission to the respondent No. 1, Mahfuza Begum to sale out the property of her lunatic husband, have become infructuous.

Mr. Zulfiquir Ahmed, learned Advocate for the added-appellant submits that on the death of Khorshed Alam, the alleged lunatic, the order dated 03.06.2013 and 28.01.2014 passed by the District Judge, Dhaka in Case No. 1 of 2013 and Permission Case No. 4 of 2013, respectively have become infructuous, because the sale permission and guardianship has no effectiveness.

Heard learned Advocates of both the parties, perused the application as well as the supplementary affidavit dated 06.02.2025.

It appears that both the appeals have arisen out of orders dated 03.06.2013 and 28.01.2014 passed by the District Judge, Dhaka in Case No. 1 of 2013 under Act IV of 1912 (Lunacy Act, 1912) and Permission Case No. 4 of 2013 arising out of the aforesaid Case No. 1 of 2013, appointing the respondent No. 1, Mahfuza Begum as the guardian of her declared lunatic husband, Md. Khorshed Alam as well as permitted her to sale out the property of the lunatic, Md. Khorshed Alam. Challenging both the orders, mother of Md. Khorshed Alam preferred First Miscellaneous Appeal Nos. 222 of 2015 and 148 of 2014.

During pendency of the appeals, appellant Shifar Banu, mother of Khorshed Alam died intestate and thereafter her daughter Sufia Begum was added as appellant in her place on 07.03.2016 and thereafter, one Mobina Akhter upon an application was also added as appellant in both the appeals.

The respondent No.1 has filed an application for dismissal of the appeal as being infructuous contended that on 22.02.2022 Md. Khorshed Alam, the alleged lunatic passed away and as such, it is meaningless to decide whether appointment of guardian of Md. Khorshed Alam is legally tenable or not? And or whether Khorshed Alam is a lunatic or not? With the death of Khorshed Alam the accorded permission to her wife to sale out his property has been automatically revoked, thus, the permission dated 28.01.2014 having no force in the eye of law.

It also informed from the respondent No. 1 by way of supplementary affidavit that Mahfuza Begum, the wife did not sell any of the properties of her husband after getting permission from the Court as the guardian of lunatic.

In the premise above and considering the submissions of both the learned Advocates, it appears that both the appeals as well as the impugned orders dated 03.06.2013 and 28.01.2014 passed by the District Judge, Dhaka in Case No. 1 of 2013 under Act IV of 1912 (Lunacy Act, 1912) and in Permission Case No. 4 of 2013, respectively have become infructuous and having no force in law.

With the aforesaid observation, both the appeals are disposed of.

No order as to cost.

Communicate the order at once.