

**District-Dhaka.**

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

**Present:**

**Mr. Justice Md. Toufiq Inam**

**Civil Revision No. 5857 of 2022.**

Md. Faysal Hossain,

----- Defendant-Appellant-Petitioner.

-Versus-

Mst. Momtaz Akhter Keya,

----- Plaintiff-Respondent-Opposite Party.

Mr. Tapan Kumar Bepary, Advocate

----- For the Defendant-Appellant-Petitioner.

Mr. Muhammad Hasibur Rahman, Advocate with

Mr. Anamul Hossain, Advocate and

Mst. Shapna Khanom, Advocate,

----- For the Plaintiff-Respondent-Opposite Party.

**Heard On: 10.08.2025; 11.08.2025.**

And

**Date of Judgment: 20<sup>th</sup> Day of August 2025.**

**Md. Toufiq Inam, J.**

This Rule was issued calling upon the opposite party/opposite parties to show cause as to why the judgment and order dated 04.08.2022 passed by the learned District Judge, Dhaka in Family Appeal No. 105 of 2022, affirming the judgment and decree dated 13.04.2022 (decree signed on 19.04.2022) passed by the learned 2nd Additional Assistant Judge, Family Court, Dhaka in Family Suit No. 982 of 2019, should not be set aside and/or why such other or further order or orders should not be passed as this Court may deem fit and proper.

The short facts, as relevant for disposal of this Rule, are that the plaintiff instituted Family Suit No. 982 of 2019 before the learned 2nd Additional Assistant Judge, Family Court, Dhaka, claiming dower and

maintenance. The case of the plaintiff, in brief, is that she married the petitioner on 27.02.2007 according to Muslim law and in their wedlock, they had two daughters, namely Maimuna Akhter Surma and Maria Akhter Sarah. On 24.07.2019, the petitioner allegedly demanded dowry of Taka 2 lacs, and upon her refusal, drove her away from the house with the children. Consequently, the plaintiff filed the suit for dower and maintenance.

The defendant contested the suit through a written statement, denying the material allegations. He contended that after a few years of marriage, the plaintiff behaved contrary to marital obligations, allegedly maintained an illicit relationship with another person, and took money and valuables from his house without permission. He further claimed that he did not demand any dowry and that the plaintiff was unwilling to continue conjugal life, making the suit false and fabricated.

Upon consideration of the pleadings and evidence, the learned trial Court decreed the suit, directing the defendant to pay the dower amount and maintenance. Aggrieved, the defendant preferred Family Appeal No. 105 of 2022 before the learned Appellate Court, which summarily dismissed the appeal, affirming the trial court's decree.

Mr. Tapan Kumar Bepary, learned Advocate for the petitioner, contended that the courts below erred in law by failing to properly discuss and evaluate the evidence, as required under Order XLI, Rule 31 of the Code of Civil Procedure, and that the appellate court erred in dismissing the appeal summarily without addressing the merits. The petitioner claimed that oral evidence was not properly considered, payments already made were ignored, and the law relating to dower and maintenance was misapplied.

Mr. Muhammad Hasibur Rahman, learned Advocate for the opposite party, submitted that the concurrent findings of fact by the courts below are based on cogent evidence and that no illegality, impropriety, or irregularity has been demonstrated warranting interference under Section 115 of the Code of Civil Procedure.

Having heard the learned Advocates and perused the revisional application, the impugned judgments and decrees, and the lower court records, this Court proceeds to deliver its decision with reasoning.

It appears from the record that the fact of marriage and the stipulation of dower are not disputed. Both oral and documentary evidence establish that the dower remains unpaid and that the plaintiff is entitled to maintenance for the relevant period. Dower is a substantive right of the wife under Muslim law, and its non-payment constitutes a legally enforceable cause of action. It is an integral part of the marriage contract and cannot be withheld based on unsubstantiated allegations.

The trial Court, after a fully contested proceeding, decreed the suit based on clear evidence. The appellate court, upon consideration, dismissed the appeal, observing the inordinate delay of 72 days without sufficient explanation and finding no merit in the petitioner's objections. The petitioner's arguments primarily relate to factual appreciation of evidence and procedural points, which cannot be interfered with under Section 115 unless shown to be perverse, arbitrary, or unsupported by evidence.

This Court, exercising revisional jurisdiction, is not an appellate forum and cannot reappreciate evidence unless there is a jurisdictional defect, misapplication of law, or gross failure of justice. The principle is settled that concurrent findings of fact, based on evidence, cannot be interfered with unless manifestly perverse. Both courts below

evaluated the evidence meticulously, applied relevant law, and arrived at concurrent findings of fact that are neither perverse nor erroneous.

In view of the foregoing, this Court finds no illegality, impropriety, or irregularity in the impugned judgment and decree. The concurrent findings of fact by the courts below are supported by evidence and require no interference.

Accordingly, **the Rule is discharged.**

The judgment and decree of the courts below are hereby upheld. There will be no order as to costs.

Let the lower court records be sent back with a copy of this judgment for urgent compliance.

**(Justice Md. Toufiq Inam)**

Ashraf /ABO.