

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

Present:

Mr. Justice Zafar Ahmed

Civil Revision No. 2723 of 2021

Md. Saidul Islam

..... Petitioner

-Versus-

Mosammet Sharmin Akhter Bithi

.... Opposite party

None.

..... For petitioner

Ms. Shyka Jahan Sathi, Advocate

.... Opposite party

Heard on: 05.02.2025 and 09.03.2025

Judgment on: 17.03.2025

This Court on 05.12.2021 issued a Rule and passed an interim order as follows:

“The delay of 306 days in filing the revisional application is hereby condoned.

Records be called for.

Let a Rule be issued calling upon the opposite party to show cause as to why the impugned judgment and decree dated 06.10.2020 (decree signed on 12.10.2020) passed by the learned District Judge, Nilphamari in Family Appeal No. 12 of 2020 dismissing the appeal and thereby affirming the judgment and decree dated 26.11.2019 (decree signed on 01.12.2019) passed by the learned Judge, Family Court, Jaldhaka,

Nilphamari in Family Suit No. 66 of 2018 should not be set aside and/or pass such other or further order or orders as to this Court may seem fit and proper.

The Rule is made returnable within 4(four) weeks from date.

Pending hearing of the Rule, let the operation of the impugned judgment and decree dated 06.10.2020 (decree signed on 12.10.2020) passed by the learned District Judge, Nilphamari in Family Appeal No. 12 of 2020 and all further proceedings of the Family Execution Case No. 07 of 2020 now pending before the learned Judge, Family Court, Jaldhaka, Nilphamari be stayed for a period of 06(six) months from date.

However, the petitioner is directed to pay the remaining dower money of Tk. 1,11,000/- (one lac eleven thousand) at the rate of Tk 20,000/- (twenty thousand) per month and file affidavit of compliance on the payment.”

Plaintiff-opposite party has filed an application dated 29.08.2023 for discharging the Rule on the grounds that the defendant petitioner did not comply with the interim direction passed by this Court. Copy of the application is served. None appeared for the defendant-petitioner when the Rule was taken up for hearing.

The present opposite party as plaintiff filed the suit for unpaid dower of Tk. 4,00,000/- and maintenance for Tk. 40,400/-. The suit was decreed in part on contest. The trial Court directed the defendant to pay Tk. 4,00,000/- to the plaintiff as dower and Tk. 23,933/- as

maintenance. The appeal Court below affirmed the judgment of the trial Court. I have gone through the instant civil revisional application and the grounds taken therein. None of the grounds is satisfactory to lay hands on the impugned judgment and decree in exercise of this Court's revisional power under Section 115(1) of the Code of Civil Procedure. Therefore, I find no reason to interfere with the concurrent finding of facts arrived at by the Courts below. Moreover, the defendant-petitioner did not comply with the interim order passed at the time of issuance of the Rule. Accordingly, the Rule fails.

In the result the Rule is discharged. The Court concerned is directed to proceed with the Family Execution Case No. 7 of 2020 and dispose of the same expeditiously.

Send down the L.C.R.