

District-Habiganj.

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

Present:

Mr. Justice Md. Toufiq Inam

Civil Revision No. 4625 of 2024.

Md. Jasim Uddin.

----- Defendant-Respondent-Petitioner.

-Versus-

Sumiya Akter.

----- Plaintiff-Appellant-Opposite Party.

Mr. M. Aminul Islam (Munir), Advocate

----- For the Defendant-Respondent-Petitioner.

Md. Ziaur Rashid Tipu, Advocate

----- For the Plaintiff-Appellant-Opposite Party.

Heard On: 16.07.2025, 03.08.2025.

And

Judgment Delivered On: 06.08.2025.

Md. Toufiq Inam, J.

This Rule was issued calling upon the opposite party to show cause as to why the judgment and decree dated 24.06.2024 (decree signed on 30.06.2024) passed by the learned District Judge, Habiganj in Family Appeal No. 41 of 2023, allowing the appeal in part and thereby reversing the judgment and decree dated 27.07.2023 (decree signed on 03.08.2023) passed by the learned Family Court, Madhabpur, Habiganj in Family Suit No. 10 of 2021, should not be set aside and/or why such other or further order or orders as to this Court may seem fit and proper should not be passed.

The plaintiff's case, in short, is that she was married to the defendant on 15.10.2018 fixing Tk. 9,50,000/- as dower, which was duly

recorded and registered in the Kabin-nama. Following the marriage, the parties began their conjugal life. However, disputes arose, and the wife left the matrimonial home. The plaintiff asserts that she always maintained cordial behaviour towards the defendant, provided her with food, clothing, and necessities, and made several attempts—both personally and through relatives—to bring her back to the marital home, but the defendant refused to resume conjugal life. Left with no alternative, the plaintiff instituted the present suit claiming her lawful dower and other entitlements under the marriage contract.

The defendant appeared in the suit by filing vokalatnama and contested the same by filing a written statement. Upon hearing both sides and considering the evidence, the learned Family Court decreed the suit in favour of the plaintiff-wife. Aggrieved, the defendant-husband preferred Family Appeal No. 41 of 2023, which was allowed in part by the learned District Judge. Still dissatisfied, the defendant-husband filed the present revisional application before this Court and obtained the present Rule, which is now taken up for disposal.

Mr. M. Aminul Islam Munir, learned Advocate for the petitioner-defendant, submits that the learned appellate court failed to properly evaluate the evidence on record and allowed the appeal in part without addressing the material legal issues. He further contends that the earlier marriage of the wife was subsisting and no valid subsequent marriage could have been solemnized, and that the appellate court misconstrued the legal position regarding *Talak-e-Tawfeez*, inasmuch as the Nikahnama did not prescribe any specific procedure or time frame as required under section 7(3) of the Muslim Family Laws Ordinance, 1961.

Per contra, Mr. Md. Ziaur Rashid Tipu, learned Advocate for the opposite party-wife, submits that the petitioner's challenge is a mere

attempt to frustrate the enforcement of the admitted contractual obligation of dower under the registered Kabin-nama. He contends that both the Family Court and the appellate court passed reasoned judgments upon full appreciation of evidence, and there is no scope for interference in revisional jurisdiction.

Having heard the learned Advocates for both sides and meticulously perused the impugned judgment, the decrees of the courts below, and the materials on record, this Court finds that the claim for dower is based on a marriage contract, the existence and terms of which are admitted. Under settled principles of Muslim Family Law, the dower is a binding obligation upon the husband, payable on demand unless there is a lawful stipulation to the contrary.

Dower is not a mere formality but a substantive right of the wife, enforceable through a Family Court, and non-payment constitutes a legal cause of action. Dower is an integral part of the marriage contract and its payment cannot be withheld on unsubstantiated allegations against the wife.

The Family Court, after a fully contested trial, decreed the suit on the basis of clear evidence regarding the subsistence of the marriage and the agreed dower amount. The learned appellate court did not disturb the main finding as to the plaintiff's entitlement to dower. The petitioner's arguments essentially relate to factual appreciation of evidence and certain procedural points, which are beyond the scope of interference under section 115 of the Code of Civil Procedure unless such findings are shown to be perverse, arbitrary, or unsupported by evidence.

This revisional court is not an appellate forum and cannot reappreciate evidence unless there is a jurisdictional defect, misapplication of law, or a gross failure of justice. The principle has been consistently followed that concurrent findings of fact based on evidence cannot be interfered with unless manifestly perverse.

In the present case, both the Family Court and the appellate court have delivered reasoned judgments based on proper consideration of oral and documentary evidence. The petitioner has failed to show any error of law, misapplication of legal principles, or jurisdictional defect warranting interference. Mere dissatisfaction with the findings or seeking a different appreciation of evidence does not constitute a valid ground under section 115 CPC.

In view of the above, this Court finds no merit in the revisional application.

The Rule is, accordingly, discharged.

The judgment and decree of the courts below are hereby upheld.

Let the order be communicated at once

(Justice Md. Toufiq Inam)