

**In the Supreme Court of Bangladesh  
High Court Division  
(Civil Revisional Jurisdiction)**

Present:

**Mr. Justice Md. Riaz Uddin Khan**

**Civil Revision No. 2378 of 2025**

**IN THE MATTER OF :**

An application under section 115(1) of the Code of  
Civil Procedure

-And-

In the Matter of:

Md. Rakib Hasan

... Defendant-Petitioner

-Versus-

Mst. Sumaiya Akter Sumi and another

...Plaintiff-Opposite Parties

Mr. Md. Khaled Hussain, Advocate

... For the petitioner

Mr. Md. Mezanur Rahman, Advocate

... For opposite party no.1

**Judgment on: 02.03.2026**

**Md. Riaz Uddin Khan, J-**

At the instance of the defendant-petitioner Rule was issued calling upon the opposite parties to show cause as to why the judgment and decree dated 08.01.2025 passed by the District Judge, Panchagarh in Family Appeal No. 22 of 2024 dismissing the appeal and thereby affirming the judgment and decree dated 20.08.2024 (decree signed on 22.08.2024) passed by the Family Court, Sadar, Panchagarh in Family Suit No. 53 of 2023 decreeing the suit should not be set aside and/or such other or further order or orders should not be passed as to this Court may deem fit and appropriate.

At the time of issuance of Rule the operation of the impugned judgment and decree dated 08.01.2025

passed by the District Judge, Panchagarh in Family Appeal No. 22 of 2024 was stayed initially for a period of 06(six) months which was subsequently extended subject to payment of taka 50,000/- out of the decretal amount to the opposite party No.1. It further appears from the record that the petitioner deposited taka 50,000/- in time as directed by this court at the time of issuance of Rule.

Succinct fact for disposal of this Rule is that the opposite party Nos. 1 and 2 filed Family Suit No. 53 of 2023 claiming dower and maintenance. The defendant-petitioner contested the suit by filing written statement stating *inter alia* that he divorced the defendant No.1, his wife. After hearing and considering the evidence on record the trial court decreed the suit.

Being aggrieved the defendant-petitioner filed Family Appeal No. 22 of 2024 before the District Judge. When the appeal was taken up for hearing the learned advocate for the appellant was absent. However, the learned District Judge was pleased to dismiss the appeal by his judgment and decree dated 08.01.2025.

Being aggrieved by and dissatisfied with the said judgment and order of dismissal the defendant petitioner filed the instant revision and the Rule and interim order as stated above was obtained by the petitioner.

Mr. Md. Khaled Hussain, the learned advocate appearing for the petitioner submits that the petitioner is a day labourer having a minimum income and sometimes is dependent on his father's income. In such fact, the learned advocate submits that the

petitioner may be directed to pay the decretal amount in installments. The learned advocate then submits that the opposite party no.1 was the wife of the petitioner whom he subsequently divorced and opposite party no.2 is his minor daughter, rightly found by the courts below. The learned advocate candidly conceded that though he has taken some grounds in the revision but will not argue on those grounds as he cannot deny the above facts and the petitioner is liable to pay the dower and maintainance.

Mr. Md. Mezanur Rahman, the learned advocate for the opposite party no.1 submits that he has no objection if this Court directs the petitioner to pay the decretal amount in installments within 1 (one) year with 10% increase in every year with regard to the maintainance of the opposite party no.2, the daughter of the petitioner.

I have heard the learned advocates for both the parties. Since the learned advocate for the petitioner did not assail the impugned judgments and decrees passed by the courts below, I am not inclined to discuss the merit of the case. The only case of the petitioner is that he wants to pay the decretal amounts in installments as at present he is not able to pay the amount at a time. The learned advocate for the opposite party no.1 did not raise objection on payment of installments. In the facts and circumstances of the case I am not inclined to interfere with the impugned judgment and decree except the payment of the decretal amount in installments. The petitioner has already deposited taka 50,000/- in compliance with the order of this Court.

In that view of the matter the defendant-petitioner (judgment-debtor) is directed to pay the decreetal amount, that is, (taka 5,72,201/- 50,000/)= taka 5,22,201/- in five installments within one year from date of receipt of this judgment. The petitioner is further directed to pay taka 3000/- per month as maintenance of the opposite party No. 2, the daughter of the petitioner, till her marriage, as decreed failing which the law shall take its own course.

In the result the Rule is **discharged**. However, without any order as to cost.

The order of stay granted earlier by this Court stands vacated.

Send down the Lower Court Records and communicate the judgment and order at once.