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

Present:

Mr. Justice Zafar Ahmed

Civil Revision No. 1110 of 2021

Tanveer Islam Dewan
.....Petitioner
-Versus-
Rasheda Sharmin
.....Opposite party

Mr. Gazi Md. Mamunur Rashid, Advocate
...For the petitioner

Mr. Sanjib Kanti Chowdhury, Advocate
.....For the opposite party

Heard on: 19.01.2026
Judgment on: 18.02.2026

In the instant civil revisional application filed under Section 115 of the Code of Civil Procedure (CPC), this Court on 13.06.2021 issued a Rule calling upon the opposite party to show cause as to why the judgment and decree dated 20.01.2021 passed by the learned Additional District Judge, 7th Court, Chattogram in Family Appeal No. 109 of 2020 affirming the judgment and decree dated 28.10.2019 passed by the 2nd Additional Court of Senior Assistant Judge and Family Court, Sadar, Chattogram in Family Suit No. 264 of 2017 decreeing the suit should not be set aside.

Rasheda Sharmin, former wife of the present petitioner filed the Family Suit praying for the unpaid dower amount of Tk. 12,00,000/- and maintenance for the iddat period of 3 months in the sum of Tk. 45,000/-. The trial Court allowed the suit on contest and passed a decree directing the defendant-petitioner (former husband) to pay Tk. 12,00,000/- to the plaintiff for unpaid dower and (8,000×3)= Tk. 24,000/- for maintenance for the iddat period. The appellate Court below dismissed the appeal filed by the defendant husband on contest. Challenging the same, the defendant husband moved this Court and obtained the instant Rule.

I have heard the learned Advocates of both sides and perused the materials on record.

The exercise of power under Section 115 of the Code of Civil Procedure is supervisory. A series of judicial decisions has settled the principles that the revisional Court can dispose of a revision on merits even when the petitioners failed to appear to press the Rule. It is no function of the revisional Court to sit in appeal over the findings of the appellate Court. A revisional Court will not, except on limited grounds, interfere with findings of fact arrived at by the trial court and appellate court. It will not also decide a contested question of fact raised for the first time in revision. The revisional Court can interfere with an impugned decision which is vitiated by an error of law.

Judicial decisions have further settled the principles that appreciation of evidence is the function of the trial Court and the

appellate Court. A finding of fact, whether concurrent or not, arrived by the lower appellate Court is binding upon the High Court Division in revision, except in certain well defined circumstances such as non-consideration and misreading of material evidence affecting the merit of the case or misconception, misapplication or misapprehension of law or misinterpretation of any material document or manifest perversity. The High Court Division is in error when it reverses the findings of the appellate court without adverting to the reasons given by the appellate Court for its findings. The revisional Court cannot interfere with a finding of fact even though it may differ with the conclusion reached by the court below in the absence of legal infirmities. Legal infirmities occur if the Court below, in arriving at the finding, has misread the evidence, or misconstrued a material document, or failed to consider material evidence, or relied on inadmissible evidence, or based on no evidence, or failed to apply the correct legal principles of law in arriving at the finding of fact, the finding will not be immune from interference in revision. The revisional Court cannot embark upon re-assessment of evidence. A finding of fact is not immune from interference if it is based on surmise or conjecture, or it is arbitrary or perverse in the sense that on the materials available on record no reasonable judge can arrive at such finding.

Learned Advocate appearing for the defendant husband submits that the marriage between the parties was not consummated and

therefore, the plaintiff wife is not entitled to the full amount of dower. This question of fact was raised before the Courts below. The appellate Court below observed, "আপীল মেমোতে উল্লেখ করা হয় যে, বিজ্ঞ বিচারিক আদালত সাক্ষ্য প্রমানের উপর নির্ভর না করে শুধুমাত্র অনুমানের উপর ভিত্তি করে বাদী ও বিবাদীর মধ্যে শারিরীক সম্পর্ক হয় মর্মে উল্লেখ করায় তর্কিত রায়-ডিক্রি রদযোগ্য। দাম্পত্য সম্পর্কের বিষয়টি একান্ত ব্যক্তিগত বিষয় বিধায় উহা মৌখিক ও পারিপার্শ্বিক সাক্ষ্য দ্বারা প্রমাণযোগ্য। পি.ডব্লিউ-১ ও ডি.ডব্লিউ-১ সহ পারিপার্শ্বিক সাক্ষ্য দ্বারা প্রমাণ হয় যে, বিয়ের পর বিবাদী বাদীকে তার জজিয়তে নিয়ে যায় এবং তারা একসাথে সময় অতিবাহিত করে। কাজেই, বাদী ও বিবাদীর দৈহিক সম্পর্ক হয়েছে মর্মে বিজ্ঞ বিচারিক আদালত যে পর্যবেক্ষণ প্রদান করেন তা যথাযথ প্রতীয়মান হয়। সুতরাং, আপীল মেমোর উক্ত বক্তব্য গ্রহণযোগ্য নয়।

বাদী ও বিবাদীর মধ্যে দাম্পত্য সম্পর্ক হয়নি মর্মে বিবাদী পক্ষ দাবী করলেও তাদের উক্ত দাবী প্রমাণ করতে সক্ষম হয়নি। তর্কিত রায়-ডিক্রির পূর্বে বিবাদীপক্ষ দেনমোহরের টাকা পরিশোধ করেছেন এমন কোন দাবী করেননি। সুতরাং বাদী উসুল বাদে দেনমোহর বাবদ ধার্যকৃত সমুদয় অর্থ পাওয়ার হকদার। উভয়পক্ষ কর্তৃক তালাক কার্যকর হওয়া স্বীকৃত বিধায় বাদী ইদ্দতকালীন ভরণপোষন পাওয়ারও হকদার।"

The finding of facts arrived at by the appellate Court below is based on the evidence on record, not on surmise or conjecture. Therefore, I do not find any ground to interfere with the judgment passed by the appellate Court.

In the result, the Rule is discharged.

Send down the L.C.R.