

13.05.2024
Ct. 654
D/L 4
ab

RVW 267 of 2023
In
C.O. 495 of 2022

Selima Sultana Mondal
-Vs-
A. K. M. Safiazaman

Mr. Sk. Humayan Reza
... for the review petitioner/applicant

Mr. Masum Ali Sardar
... for the opposite party

This review petition is preferred by the applicant against the order dated 14th March, 2023 passed in C.O. 495 of 2022.

Mr. Sk. Humayan Reza, learned advocate for the review petitioner/applicant submits that two *Talaq-Ul-Hasan* issued by the defendant are not properly authenticated. This Court while disposing of the civil revisional application did not observe as to whether two *Talaq-Ul-Hasan* sent by the defendant is void, illegal and not binding upon the plaintiff. He seeks for review of the order dated 14th March, 2023 passed in the revisional application on such ground.

Mr. Masum Ali Sardar, learned advocate for the opposite party submits that the review petition is not maintainable since there is no error apparent on the face of the record.

The revisional application was preferred against the order of the learned trial court refusing prayer of the

applicant for *ad-interim* injunction. Admittedly, the plaintiff filed the suit for declaration that two *Talaq-Ul-Hasan* dated 9th December, 2021 and 13th January, 2022 respectively sent by the defendant is void, illegal and not binding upon the plaintiff.

Order XLVII Rule 1 of the Code of Civil Procedure provides that a judgment and decree can be reviewed on the ground of discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason.

The principal ground taken in the review application is that this Court while disposing of the civil revisional application did not observe as to whether two *Talaq-Ul-Hasan* sent by the defendant is void, illegal and not binding upon the plaintiff. Considering the ground taken and keeping in mind the aforesaid provision, it is found that such ground raised in the review petition is not within the ambit and scope of Order XLVII Rule 1 of the Code of Civil Procedure. In view of the above, the review petition falls short of merit.

Accordingly, the review petition being **RVW 267 of 2023** stands dismissed.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

Urgent photostat copy of this order, if applied for be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)