



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 11.12.2025

DELIVERED ON : 09.01.2026

CORAM :

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No.2531 of 2018
and C.M.P.No.19298 of 2018

R.Babu

... Appellant

Vs.

S.Srimathi

... Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act 1984, against the judgment and decree dated 07.05.2018 made in F.C.O.P.No.439 of 2014 on the file of the Family Court, Vellore.

JUDGMENT

[made by K. GOVINDARAJAN THILAKAVADI, J.]

The instant appeal has been preferred by the appellant husband against the final judgment and decree dated 07.05.2018 made in F.C.O.P.No.439 of 1/8



2014 on the file of the Family Court, Vellore, wherein the Family Court, Vellore, granted divorce in favour of the respondent/husband on the grounds of cruelty and desertion, directing the appellant/Husband to return 20 sovereigns of gold to the respondent/wife.

2.The present appeal challenges the validity of the order dated 07.05.2018 passed by the Family Court Judge, Vellore, directing the appellant/Husband to return 20 sovereigns of gold ornament to the respondent/wife. The respondent/ Wife has not preferred any appeal against the grant of divorce.

3.According to the appellant/Husband is that the learned Family Court Judge has wrongly come to the conclusion that the appellant/Husband has to give 20 sovereigns of gold jewels to the 1st respondent/wife based on the photographs filed by her. The learned Family Court Judge cannot come to the conclusion that the jewels worn during functions are gold jewels and the person wearing it is the owner of the jewels. The 1st respondent/Wife did not file any bills before the District Munsif cum Judicial Magistrate Court, Ambur in C.C.No.121/2013 and the same has been filed only in F.C.O.P.No.439 of 2014 before the Family Court, Vellore. It would go to show that the above documents are created for the purpose of the case. The intention of the 1st



respondent /wife is to grab jewels and money from the appellant/Husband.

The appellant/Husband and his family were acquitted from the dowry case in C.C.No.121/2013 on 14.03.2013. Immediately on 28.04.2014 at the instance of her father, who was a Sub Inspector of Police made a false claim, claiming return of jewels and articles with an intention to harass the appellant/Husband and his family. In fact, the 1st respondent/wife failed to establish that the gold jewels and household articles are in the custody of the appellant/husband. The learned Family Court, Judge, failed to appreciate the above facts in a proper prospective and directed the appellant/Husband to return 20 sovereigns of jewels to the 1st respondent /wife which warrants interference by this Court.

4.On the other hand, the learned counsel appearing for the 1st respondent/wife would submit that, the 1st respondent/wife has submitted necessary bills for purchasing the jewels before the Family Court. The learned Family Court Judge, after appreciating the materials on record rightly directed the appellant/husband to return the jewels to the 1st respondent/wife which warrants any interference by this Court.

5.Heard on both sides, records perused.

6.At the outset, for the return of gold articles from a husband, the wife



needs to submit evidence based on the 'preponderance of probabilities' standard, not strict proof beyond a reasonable doubt. The initial burden of proof for entrustment lies with the wife, after which the burden shifts to the husband to explain what happened to the gold. The Court generally accepts various forms of evidence, acknowledging the informal nature of transactions within a matrimonial home. Original or copies of gold purchase receipts, especially those dated around the time of the wedding are strong evidence. Any written documentation or gift lists specifying the items received and from whom are vital. Photos or videos showing the wife wearing the gold ornaments during the wedding and related functions help to establish the possession and quantity of gold at the time of marriage. Further, the statements from parents, relatives, or friends who were presented during the marriage and the entrustment of the gold to the husband or in-laws also assumes significance. Above all, the wife's sworn statement to the Court regarding the details of the gold and the circumstances under which it was entrusted is crucial. The Court will consider which party's version of events is more likely to be true. Any inconsistent explanation provided by the husband regarding the whereabouts of the gold can be used to support the wife's claim. The key is to provide specific details about how and when the gold was entrusted and for



the wife to consistently maintain her version of events to discharge her initial burden of proof.

7. In the present case, the 1st respondent/wife has submitted Ex.P.6 to Ex.P.10 bills to substantiate her claim. The date found in the bills would prove that some of the jewels were purchased at the time of marriage which took place on 26.02.2012. It is not established on the side of the appellant/husband that, the above bills are fake. Moreover, there is inconsistency in the evidence of the appellant/husband and his father. The appellant/husband during his cross examination has stated that the 1st respondent/wife was given only 12 sovereigns of gold jewels at the time of marriage. Where as, the father of the appellant/husband has deposed that the 1st respondent/ wife was not given any gold jewels at the time of marriage. The 1st respondent/wife has submitted necessary bills for purchasing the jewels at the time of the marriage and the same is supported by the seer varisai list and photographs filed by the 1st respondent/wife before the Family Court. Hence, the contention of the appellant/husband that the Family Court has erroneously directed the appellant/husband to return 20 sovereigns of gold jewels is unsustainable. The appellant/Husband failed to prove that the 1st respondent / wife had taken back all the gold jewels at the time of leaving the matrimonial home. In fact, even



in the Police complaints, she had insisted for the return of her gold jewels.

However, the 1st respondent/wife did not prefer any appeal against the order passed by the Family Court directing the appellant/husband to return 20 sovereigns of gold jewels, though her claim was 40 sovereigns of gold jewels. Hence, the order passed by the Family Court, Vellore directing the appellant/husband to return 20 sovereigns of gold jewels to the 1st respondent / wife is liable to be confirmed.

8.Considering the above facts and circumstances of the case, we are inclined to uphold the order passed by the Family Court, Vellore in F.C.O.P.No.439/2014.

9.In the result, the present Civil Miscellaneous Appeal is dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petition is closed.

[C.V.K.,J.]

[K.G.T.,J.]

09.01.2026

vsn

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order



To

1. The Family Court Judge
Vellore

2. The Section Officer,
VR Section,
High Court, Madras.



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C.V. KARTHIKEYAN, J.
and
K.GOVINDARAJAN THILAKAVADI, J.
vsn

Pre-delivery Judgment made in
C.M.A.No.2531 of 2018
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