

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 163 of 2017

- Rehana Parveen W/o Shahjad Khan, Aged About 30 Years R/o Village Bhatthipara, Baikunthpur, District Koriya, Chhattisgarh. Plaintiff,

---- Appellant

Versus

- Shahjad Khan S/o Nesar Khan, Aged About 32 Years R/o Azad Mohlla Kunkuri And Thana And Tahsil Kunkuri, District Jashpur, Chhattisgarh.
- Mohhamad Nesar Khan S/o Late Abdul Rajjak, Aged About 55 Years R/o Azad Mohlla Kunkuri And Thana And Tahsil Kunkuri, District Jashpur, Chhattisgarh. Defendant,

---- Respondents

For Appellant	:	Shri Akhilesh Kumar, Advocate
For Respondent	:	None present.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Rajani Dubey

Order on Board by Smt. Rajani Dubey, J.

06/07/2018

Heard on admission.

The appellant/wife had filed this appeal under Section 19(1) of the CPC against the judgment dated 22.3.2017 passed by the learned Family Court, District Kororia in Civil Suit No. 21A/2016 whereby the application filed by the appellant under Section 7 for return of Stridhan, has been partly allowed.

Appellant filed this appeal on the ground that the judgment dated 22.3.2017 is based on wrong interpretation of law and evidence therefore, is illegal and not sustainable in the eye of law. Learned Family Court, Baikunthpur erred in holding that the appellant/wife is only entitled for mehar

of Rs. 31,786/-.

Counsel for the appellant submits that the court below has also erred in finding that the appellant was not permitted to adduce any evidence and therefore the judgment and decree dated 22.3.2017 be set aside.

Counsel for the appellant submits that the appellant has also filed application under Section 65 (B) of the Evidence Act for secondary evidence. He submits that the appellant has filed xerox copy of the list of articles of Stridhan and CD prepared during *Nikah* ceremony of the appellant/wife. The evidence is genuine and it is also proved by the witness and thus the application of the appellant/wife has been allowed in the interest of justice.

After going through the record and complete appreciation of evidence, we find that the learned Family Court in para 12 to 16 has pointed out that the appellant has not discharged her burden to prove the aforesaid facts by adducing the evidence therefore, Court below has rightly decided in para 12 to 16 and had decreed her claim partly. By this application, the appellant only wanted to fill up that lacuna.

Learned trial court has not committed any illegality nor the judgment impugned suffers from any infirmity. Consequently, we do not find any merits in the appeal. Appeal is liable to be dismissed and is hereby dismissed at the motion stage itself.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge