

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

SECOND APPEAL NO.724 OF 2017

(Sanjaykumar s/o Gunwantrao Meshram ..vs.. Shivshankar Chintaman Suryawanshi (Dead) Ku.
Reena d/o Shivshankar Suryawanshi)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N.G. Solao, Counsel for the appellant,
None for respondent 2.

CORAM : ROHIT B. DEO, J.

DATED : 19-11-2018

Heard Shri N.G. Solao, learned Counsel for the appellant. None appears on behalf of respondent 2. Respondent 1 is reportedly dead. However, Shri N.G. Solao, learned Counsel states that respondent 2 is the only legal heir of the deceased respondent 1.

2. By this appeal preferred under Section 100 of the Code of Civil Procedure ("Code" for short), the concurrent findings of the trial Court and the appellate Court, recorded while partly decreeing the suit for damages, are called in question.

3. It is not in dispute that the appellant agreed to marry respondent 2 and accordingly the engagement ceremony was performed on 21-1-2007. The marriage was scheduled on 12-5-2007.

4. It is further not in dispute that the appellant

did not turn up at the wedding hall on 12-5-2007. The defence of the appellant is that it was amicably decided to call off the marriage and accordingly cheque for Rs.30,000/- was handed over to the respondents through one Deepak Chimankar, who is examined as D.W.2.

5. In so far as the appellant is concerned, the suit is partly decreed by the trial Court which has recorded a finding that the amount of Rs.39,777/- is the actual expenditure incurred by the respondent. This finding of fact is upheld by the appellate Court. I have scrutinized the reasoning of the trial Court and the appellate Court and having done so, I do not find that there is any question of law muchless a substantial question of law involved in the present appeal. The finding is recorded on the basis of evidence on record and there is no perversity demonstrated.

6. Since the appeal does not involve any substantial question of law, the appeal is dismissed.

7. In so far as the appeal preferred by the respondents i.e. Regular Civil Appeal 108/2011 which is pending before the first appellate Court, the same shall be decided on its own merits.

JUDGE