

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**RSA No.6790 of 2016 (O&M)**

**Date of decision:01.11.2018**

Kanwarpreet Singh

... Appellant

Vs.

Jaspal Singh and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Umesh Aggarwal, Advocate  
for the appellant.

**AMIT RAWAL J. (Oral)**

Appellant-defendant no.1 has not been successful to defend the suit which has been decreed for recovery of ₹6.00 lakhs along with interest @ 7% per annum.

Jaspal Singh and Inderjit Kaur, father and mother of Harneet Kaur, who was married with appellant-defendant No.1-Kanwarpreet Singh claimed the aforementioned amount on the premise that after the marriage performed on 26.12.2004, certain articles were given in the dowry which have not been returned and claimed an amount of ₹18,06,900/- along with interest. A month thereafter, she had unfortunately died on the bed in the lobby. In the criminal case, the defendants had been convicted for commission of an offence.

The appellant opposed the suit, though admitted the relationship but denied the receipt of dowry articles described in the suit.

The trial Court on the basis of evidence confined the decretal amount to ₹6.00 lakhs as noticed above. The appeal laid before the Lower Appellate Court has also been dismissed.

The present appeal is accompanied by an application seeking condonation of delay of 184 days.

Mr. Umesh Aggarwal, learned counsel appearing on behalf of the appellant-defendant No.1 has been very fair and honest in apprising the Court that conviction of the appellant has been upheld by this Court. On merits, he submitted that respondent-plaintiffs failed to discharge the onus with regard to the amount claimed. Even the bills, i.e. Ex.P8 and Ex.P9 were prepared before filing of the suit, therefore, could not have been relied upon. It was incumbent upon the plaintiffs to discharge the onus, even if there was no other evidence, thus, there is gross illegality and perversity in the impugned judgments and decrees.

I am afraid the aforementioned arguments are not sustainable in the eyes of law, for, it is a common practice amongst the Indian families to buy the goods and give as a gift to the bride-groom and his family and when such dispute arises, they get the bills. Photographs of the marriage have been placed on record to establish the exchange of gifts/articles referred to in the plaint. The Court below did not believe the claim of ₹18,06,900/- confined to ₹6.00 lakhs on the basis of the documentary evidence which has gone un-rebutted.

As an upshot of my findings, I do not find any illegality and perversity in the findings rendered by both the Courts below which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

Resultantly, both the appeal as well as application seeking condonation of delay are dismissed.

November 01, 2018

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Whether Speaking/Reasoned

Whether Reportable

(AMIT RAWAL)

JUDGE

Yes/No

Yes/No