

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

**RSA No.1089 of 2017 (O&M)**

**Date of Decision: 06.09.2018**

Anita Rani

... Appellant

Versus

Harpreet Singh

... Respondent

**CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA**

Present:- Ms. Arti Kaur Advocate and  
Mr. Chetan Bansal, Advocate,  
for the appellant.

**TEJINDER SINGH DHINDSA, J.**

Plaintiff Anita Rani instituted a suit for recovery of Rs.3 lakh being the value of dowry articles that were stated to have been retained by defendant Harpreet Singh. Suit was decreed in favour of the plaintiff by the trial Court on 12.11.2014. Civil appeal having been preferred by defendant Harpreet Singh, the same has been accepted vide judgment dated 27.07.2016 passed by the Learned Additional District Judge, Shaheed Bhagat Singh Nagar and the suit of the plaintiff stands dismissed.

Resultantly, plaintiff/appellant Anita Rani is in second appeal before this Court.

Brief facts that may be noticed are that the plaintiff in the suit asserted that she was married with defendant on 17.01.1999 as per Hindu Rites and Ceremonies and her parents gave dowry articles as per list attached the value of which was Rs.3 lakh at that point of time. Plaintiff asserted that the dowry

articles were duly entrusted to the defendant with the understanding that the same was *istridhan* of the plaintiff and meant for her use exclusively.

It was pleaded that soon after marriage, the defendant and his family started harassing and maltreating the plaintiff on the pretext of bringing insufficient dowry and ultimately she was thrown out of the matrimonial home in the month of November, 2005. Proceedings under Section 125 Cr.P.C. to claim maintenance were initiated and even a criminal case against the defendant and his family members was registered under Sections 406 and 498-A of the Indian Penal Code.

Suit was contested by the defendant who admitted the factum and date of marriage as 17.01.1999. Entrustment of dowry articles was categorically denied. Stand taken was that the marriage was simple and with no fanfare. It may be reiterated that suit of the plaintiff was decreed by the trial Court but the Civil appeal preferred by the defendant has been accepted by the Lower Appellate Court and the suit stands dismissed.

Counsel representing the appellant has argued that the complete list of the dowry articles was tendered and exhibited before the trial Court and which was duly proved by the father of the plaintiff/appellant and under such circumstances the well reasoned findings of the trial Court could not have been set aside by the Lower Appellate Court. Further urged that the Lower Appellate Court has been unduly influenced by the fact that the defendant/respondent earned acquittal under Section 406 IPC and

was only convicted under Section 498-A IPC pursuant to the FIR registered by the plaintiff/appellant.

Having heard counsel for the appellant at length and having perused the case paper book, this Court is of the considered view that there is no merit in the instant appeal and same deserves to be dismissed.

In the circumstances of the case and for the plaintiff/appellant to succeed, it was imperative to prove in accordance with law the entrustment of the dowry articles to the defendant/respondent in the first place and the value thereof. Apparently, the trial Court decreed the suit of the plaintiff/appellant solely on the bald statements of the plaintiff as also her father. That apart there has been a misreading and misappreciation of evidence inasmuch as the appellant while appearing in the witness box as PW-1, in her cross-examination, it clearly deposed that she had not submitted any bills regarding purchase of the dowry articles that were stated to have been entrusted. Likewise father of the appellant, namely, Gulzari Ram while appearing as PW-2 stated in the cross-examination deposed that he has attached the bills along with the list of dowry articles. However, no such bills were available on the judicial file. Gulzari Ram PW-2 further stated in his cross-examination that he had withdrawn amount spent on the marriage of his daughter and for purchase of dowry articles from his GPF Account. However, no such document had been adduced in evidence to substantiate such plea.

Learned counsel has not been able to point out any perversity in the observation made by the Lower Appellate Court as regards the plaintiff/appellant having failed to prove in terms of adducing cogent and credible evidence, the entrustment of dowry articles as also any proof with regard to purchase and which in turn would have also indicated the value thereof.

The impugned judgment dated 27.07.2016 passed by the Learned Additional District Judge, Shaheed Bhagat Singh Nagar is based on cogent and valid reasoning. The same does not call for any interference.

Appeal dismissed.

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|---------------------------|---------------------------------|
| <b>06.09.2018</b>         | <b>(TEJINDER SINGH DHINDSA)</b> |
| vandana                   | <b>JUDGE</b>                    |
| Whether speaking/reasoned | Yes                             |
| Whether Reportable        | No                              |