

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FAM No. 257 of 2019**

- Mo. Sagir Qureshi Son Of Mo. Bafati Qureshi Aged About 40 Years
Bye Caste Musalman, R/o Mohalla Karbala Chouk Baloda, District
Janjgir Champa Chhattisgarh.

---- Appellant**Versus**

- Smt. Tarmin Fatima Wife Of Mo. Sagir Qureshi Aged About 35 Years
Present R/o House No. M/166, Ompuri Colony, Rajgamar, Tahsil And
District Korba Chhattisgarh.

--- Respondent

For Appellant	: Shri Jeet Patel, Advocate
For respondent	: Shri Mirza Kaiser Baeg, Advocate

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order on Board****Per Manindra Mohan Shrivastava****10/12/2019**

Heard.

2. This appeal is directed against impugned judgment and decree dated 18.03.2019 only to the extent to direct return of Streedhan to respondent/wife.

3. The appellant filed an application under Section 2 of the Muslim Dissolution of Marriage Act, 1939 for divorce as also for return of Streedhan. In reply, allegations were denied by the appellant/husband. The learned trial Court after allowing the parties to lead oral and documentary evidence recorded the findings that the

husband/appellant subjected his wife to cruelty and on that basis, granted decree of divorce. Further taking into consideration the bills of purchase in Ex. P-4 to Ex. P-9 of different items, the learned Family Court directed to return all those articles as streedhan in favour of respondent/wife.

4. In this appeal, the impugned judgment and decree, only to the extent of directing return of Streedhan, is under challenge.

5. Learned counsel for the appellant would argue that the learned Court below has directed return of Streedhan on the basis of bills Ex. P-4 to Ex. P-9 which are not clinching evidence. He would argue that Ex. P-6 and Ex. P-9 relates to purchase of Mobile, TV and Cooler much before the date of solemnization of marriage. Even the bike which is said to have been purchase vide Ex. P-8, bears date of 08.01.2006. Thus these articles which are claimed to have been purchased prior to marriage, could not constitute Streedhan and therefore, to that extent, impugned judgment and decree is liable to be set aside.

6. Learned counsel for the respondent on the other hand submits that all the bills of purchase of various articles particularly items mentioned in Ex. P-6, Ex. P-8 and Ex.-9 bike, utensils, TV and cooler, have produced by the respondent.

7. The appellants has failed to lead any document to show that these articles where purchase by him.

8. Therefore, preponderance of the probability, the learned Family Court held in favour of the respondent/wife that the aforesaid articles

in respect of which bills of purchaser to Ex. P-4 to Ex. P-9 constitute Steedhan and liable to be returned.

9. In our opinion impugned judgment of the Family Court directing return of Streedhan does not warrant any interference.

10. Accordingly the appeal is dismissed.

11. Let appellate decree be accordingly drawn.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Pawan