

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through video conferencing****FAM No. 25 of 2019**

- Smt. Bharti @ Gudiya W/o Purushottam Chaudhary Aged About 30 Years R/o Village - Bhagwanpur P.S. Kotra Road, Raigarh District Raigarh Chhattisgarh.

---- Appellant

Versus

- Purushottam Chaudhary S/o Ramratan Chaudhary Aged About 32 Years R/o Occupation Government Service R/o Village Baiang P.O. Kachaar Tehsil And District Raigarh Chhattisgarh.

---- Respondent

For Appellant	-	Shri Amit Sharma, Advocate
For Respondent	-	Shri Abhishek Saraf, Advocate.

Hon'ble Shri Prashant Kumar Mishra, J.**Hon'ble Shri N.K. Chandravanshi, J.****Order On Board****By****Hon'ble Shri Prashant Kumar Mishra J.****09-04-2021**

1. Heard.
2. By the impugned judgment passed by the Family Court, Raigarh in Civil Suit No. F-123A/18. The appellant's (wife's) application for grant of divorce has been allowed, however, the trial Court has refused to allow return of Stridhan (स्त्रीधन) to the appellant. This appeal is limited to the relief of return of Stridhan.

3. Learned counsel for the appellant would submit that the Family Court having allowed the appellant's prayer for decree of divorce, it should have allowed her prayer for return of Stridhan, therefore, the same having not been allowed the impugned order deserves to be interfered.
4. The record of the trial Court reveals that in her application under Section 13 of the Hindu Marriage Act, 1955, the appellant made a bald pleading and prayer, without providing any details, that her Stridhan and marriage expenses amounting to Rs.30 lacs should be returned by the respondent. In her affidavit under order 18 Rule 4 of the CPC also she has not provided details of the articles gifted to her at the time of marriage or the necessary expenditure incurred by her family during marriage ceremony. Similarly, her father Tara Chand Patel examined as PW-2 and witness Mahesh examined as PW-3 have also not provided details of any Stridhan properties or the marriage expenses. No document has been exhibited giving list of articles, therefore, the present is a case of absolute lack of evidence about articles which were gifted or the nature of expenditure incurred during marriage ceremony
5. In this view of the matter, it was difficult for the trial Court to have allowed return of Stridhan in favour to the appellant wife. The order passed by the trial Court is just and proper and the same does not suffer from any infirmity.
6. In the result, the appeal, sans merits, is liable to be and is hereby dismissed, leaving the parties to bear their own cost(s).

SD/-

(Prashant Kumar Mishra)
Judge

SD/-

(N.K.Chandravanshi)
Judge