

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****FA(M) No. 203 of 2019**

- Sunil Kumar Singh, aged about 30 years, S/o Rajkumar Singh, Occupation - Business, R/o Bagiya Havelaram Friends Colony, Police Station - Civil Line, Itawa, District - Itawa (Uttar Pradesh).

---- Appellant**Versus**

- Laxmi Singh, aged about 28 years, D/o Ramavtar Singh, R/o Narmda Vihar Colony, Indira Gandhi Ward, Raipur, Tahsil & District Raipur (C.G.)

---- Respondent

For Appellant : Ms. Smita Jha, Advocate.
For Respondent : Mr. Prasoon Agrwal, Advocate.

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Smt Justice Rajani Dubey**

Order on Board by Rajani Dubey, J

08/03/2021

Heard.

01. The appellant-husband has preferred this appeal under Section 19 (1) of the Family Court Act being aggrieved by the judgment and decree dated 01.05.2019 passed by the learned First Additional Principal Judge, Family Court, Raipur (C.G.) in Case No. 818/2012, whereby the learned Family Court has partly allowed the application of respondent-wife filed under Section 27 of the Hindu Marriage Act, 1955 (for short 'the Act')

awarding Rs.2,10,000/- in cash and Rs.64,000/-, if he fails to return the golden ornaments.

02. Brief facts of the case are that the respondent is divorced wife of appellant and their marriage was dissolved on 28.03.2006. Respondent-wife had filed an application before the learned Family Court for return of Stridhan, *inter-alia* stating that after fixing the marriage, a demand draft of Rs.2,10,000/- was given to appellant-husband for purchasing household equipments. Further, Rs.35,000/- in Tilak ceremony, Rs.5,000/- towards golden ring, Rs.45,000/- during marriage, Rs.10,000/- towards suitcase, Rs.3,000/- towards Titan watch and Rs.51,000/- for entrance of baratis in marriage were given. Thus, a total of Rs.3,75,000/- was given to the appellant-husband.

03. The learned Family Court, after examining oral and documentary evidence, partly allowed the application of respondent-wife filed under Section 27 of the Act and directed the appellant-husband to return Rs.2,10,000/- in cash and Rs.64,000/-, if he fails to return golden ornaments within two months. Hence, this appeal by the appellant-husband.

04. Learned counsel for the appellant-husband submits that the learned Family Court, while passing the impugned judgment and decree dated 01.05.2019, has not considered the facts of the case in its proper perspective and committed illegality. She further submits that the respondent-wife had only given Rs.21,000/- for all the rituals which was to be

performed at the time of marriage and rest of the expenditure was incurred by the appellant and his family. The application of respondent-wife is based on false grounds and there is no evidence on record which can establish averments of respondent. She also submits that the respondent-wife herself had left the house of appellant since she did not want to live with him and took away all the clothes, jewelleries and some cash which was kept in the house of appellant in the form of security money to be used at the time of any exigency. She next submits that a report has also been filed by the appellant that his wife has taken away all the valuable articles without informing anyone and that case is still pending consideration. The gifts and money which the respondent-wife is claiming to be her *Stridhan* are actually belong to the appellant and his family. There is neither any evidence with regard to *Stridhan* produced by the respondent nor there is any agreement with regard to return of *Stridhan* at the time of separation. Thus, the impugned order passed by the learned Family Court may be set aside.

05. On the other hand, learned counsel for respondent supported the impugned order passed by the learned Family Court.

06. Heard learned counsel for the parties and perused the material available on record.

07. The learned Family Court, after considering the oral and documentary evidence adduced by the parties, in particular

the statement of appellant-husband Sunil, recorded its finding that the father of respondent had given a bank draft of Rs.2,10,000/- for performing ritual in the marriage and no jewellery items were given to respondent-wife by appellant's family members. The learned Family Court has also recorded its finding that appellant-husband had retained Rs.2,10,000/- and golden & silver ornaments of Rs.64,000/- in the form of Stridhan. In our considered view, the Court below has not committed any illegality in passing the impugned order warranting interference by this Court. Appeal is, therefore, dismissed at the admission stage itself.

Sd/-

(Prashant Kumar Mishra)

Judge

Sd/-

(Rajani Dubey)

Judge