

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****FA(MAT) No. 84 of 2019**

- Vandana Tiwari w/o Rahul Tiwari, aged about 21 years, R/o Chanwaridand, Police Station, Post & Tahsil - Manendragarh, District Korea (C.G.).

---- Appellant**Versus**

- Rahul Tiwari S/o Jagdish Tiwari, aged about 26 years, R/o Subhash Nagar, Saini Colony Ranjhi, Jabalpur, Police Station Ranjhi, Jabalpur, Tahsil & District Jabalpur (M.P.)

---- Respondent

For Appellant : Mr. Amit Kumar Sahu, Advocate.

For Respondent : Mr. Manoj Kumar Jaiswal, Advocate.

**Hon'ble Shri Justice P. Sam Koshy &
Hon'ble Smt Justice Rajani Dubey**

Order on Board by P. Sam Koshy, J

20/10/2021

Heard.

01. The appellant-wife has preferred this First Appeal under Section 19 (1) of the Family Court Act being aggrieved by the judgment and decree dated 18.09.2019 passed by the learned Judge, Family Court, Manendragarh, District Korea (C.G.) in Civil Suit No.128A/2018, whereby the learned Family Court has partly allowed the suit of the Appellant-wife for return of 'Streedhan'.

02. The contention of the present Appellant/plaintiff is that the learned Court below has not properly appreciated the

claim of the Appellant in respect of the evidences that were submitted before it in respect of the gold ring, nose pin and also in respect of the utensils, bed, T.V., fruits and sweets etc. Further contention of the present Appellant/plaintiff is that under normal circumstances also all these items were essentially given in the marriage and, therefore, there had to be strong presumption drawn by the Court below while allowing the claim of the Appellant.

03. On perusal of the impugned judgment it clearly reflects that the learned Court below has specifically dealt with the evidence produced by the Appellant before the Court below in respect of return of 'Streedhan'. Paragraph 18 onward of the impugned judgment it clearly reflects that the learned Judge, Family Court, has extensively considered the exhibits which were submitted by the Appellant/plaintiff and that the Court below itself found them to be not cogent or sufficient to be accepted as strong proof of having these items given to the respondent. The Court below also found that there was sufficient material deficiencies in the pleading also in respect of these items having been left at the matrimonial house of the Appellant. The Court below has also dealt with in respect of the so called video and pen drive, which was presented in respect of marriage ceremony and have expressed serious doubt on the said video to have been taken on the occasion of marriage as there was no person visible in the nearby vicinity, which otherwise supposed to be a marriage function where there would otherwise have been large crowd.

04. For all the aforesaid reasons, the learned Court below did not find the evidence submitted by the Appellant/plaintiff to be strong enough and, on the other hand, whatever strong evidence the Appellant/plaintiff has submitted before the Court below, it has infact ordered in favour of the Appellant/plaintiff for the items to be returned back.

05. Given the said facts and the discussion made by the learned Court below, this Court does not find any strong case made out by the Appellant calling for an interference with the impugned judgment either on the fact or in law. Nor is there any strong case made out by the Appellant/plaintiff to hold that the finding given by the Court below is either contrary to the evidence or is a perverse finding.

06. In view of the same, the First Appeal fails and is, accordingly, dismissed at the motion stage itself.

Sd/-

(P. Sam Koshy)
Judge

Sd/-

(Rajani Dubey)
Judge