CGHC010390282025 2026:CGHC:46112-DB

SISTA SOMAYAJULU
Digitally signed by SISTA SOMAYAJULU
Date: 2026.11.05 13:42:07 +0530

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

FA(MAT) No. 336 of 2025

{Arising out of judgment and decree dated 13-3-2025 in Civil Suit No.109A/2023 of the Judge, Family Court, Dhamtari}

1. Domendra Kumar Sahu, S/o Thakur Ram Sahu, aged 29 years, R/o Shraddha Nagar, Amatalaab Road, Police Station City Kotwali, Tehsil and District Dhamtari (C.G.) (wrongly mentioned as Damendra in Annexure A/1)

2. Thakur Ram Sahu, father late Baliyar Sahu, aged about 72 years, R/o Shraddhanagar, Amatalaab Road, Dhamtari, Police Station City Kotwali, Tehsil and District Dhamtari (C.G.)

3. Mrs. Bhanumati Sahu, W/o Thakur Ram Sahu, aged about 60 years, R/o Shraddhanagar, Amatalaab Road, Dhamtari, Police Station City Kotwali, Dhamtari, Tehsil & District Dhamtari (C.G.)

(Defendants)
... Appellants

versus

Tonika Sahu, W/o Domendra Sahu, aged about 27 years, R/o Shraddhanagar, Amatalaab Road, Dhamtari, Present Resident Gokulpur, Ward Karma Nagar, Police Station City Kotwali, Dhamtari, Tehsil & District Dhamtari (C.G.)

(Plaintiff)
... Respondent

For Appellants	**:**	Mr. Kishore Narayan, Advocate.
For Respondent	**:**	Mrs. Aditi Singhvi, Advocate.

Division Bench: -
Hon'ble Shri Parth Prateem Sahu and
Hon'ble Smt. Sushma Sawant, JJ.

Judgment On Board
(30/10/2026)

Sushma Sawant, J.

1. Invoking the appellate jurisdiction of this Court under Section 19(1) of the Family Courts Act, 1984, the appellants herein/defendants, who are husband and in-laws of the plaintiff, have preferred this appeal challenging the judgment & decree dated **13-3-2025** passed by the Judge, Family Court, Dhamtari in **Civil Suit No.109A/2023** (**Tonika Sahu v. Domendra Kumar Sahu and two others**), by which the application filed by the respondent herein/plaintiff wife under **Section 27** of the **Hindu Marriage Act, 1955**, for return of gift articles and jewellery, has been partly allowed.

2. The aforesaid challenge has been made on the following factual backdrop: -

(For the sake of convenience, parties hereinafter will be referred as per their status shown and ranking given in the civil suit before the Family Court.)

-:Factual Matrix:-

Admitted Facts: -

3. It is an admitted fact that marriage between **respondent/plaintiff wife Tonika Sahu** and **appellant/defendant No.1 Domendra Kumar Sahu** was solemnized on **9-12-2020**, and defendants No.2 and 3 being parents of defendant No.1 are father-in-law and mother-in-law of the respondent/plaintiff.

-:Case of the Respondent herein/Plaintiff Wife before the Family Court:-

4. It is the case of the respondent/plaintiff that at the time of marriage, her father purchased and gifted various household articles, furniture, electronic appliances and an Activa vehicle, along with other accessories. Gifts received from relatives and guests, as well as ₹ 50,000/- in cash, were also given to the appellants/defendants. Despite this, the appellants/defendants allegedly demanded additional dowry, subjected the respondent/plaintiff to physical and mental cruelty, and ultimately assaulted and deserted her on 10-5-2023, since when she has been residing at her parental home. It is the further case of the respondent/plaintiff that she was given gold and silver jewellery, comprising approximately 7 tolas of gold and 2 kg of silver, as her ***Stridhan***.

5. It is also the case of the respondent/plaintiff that the appellants/ defendants have illegally retained the said jewellery and, despite her demand, they have refused to return it. She has also expressed apprehension that the appellants/defendants are selling, pawning, destroying or altering the jewellery to make its identification difficult, thereby causing loss of her ***Stridhan***. On the aforesaid factual premise, the respondent/plaintiff has approached the Court seeking appropriate relief and protection of her ***Stridhan***.

-:Written Statement of the Appellants herein/Defendants before the Family Court:-

6. The appellants/defendants, in their written statement, have denied the remaining allegations made by the respondent/plaintiff. They have contended that, considering the poor financial condition of the respondent/plaintiff's family at the time of marriage, the expenses of marriage were borne by the father of appellant/defendant No.1 i.e. defendant No.2. They have further stated that the respondent/ plaintiff's family had provided certain household articles, including furniture, electronic appliances, an old computer and an old Activa vehicle, for the establishment of their matrimonial life. They have alleged that the respondent/plaintiff, being desirous of pursuing a government job, preferred to attend coaching classes and consequently spent very little time at the matrimonial home.

7. It is also pleaded that on 10-5-2023, following a dispute, the respondent/plaintiff voluntarily left the matrimonial home along with her gold and silver jewellery, including the ornaments given by the appellants/defendants and their family members, as well as the Activa vehicle. According to the appellants/defendants, the respondent/ plaintiff had already taken possession of the jewellery belonging to both sides. They have finally contended that the household articles were provided for the common use of the respondent/plaintiff and appellant No.1/defendant No.1 during their matrimonial life and, therefore, same cannot be claimed exclusively by the respondent/plaintiff. On these

grounds, the appellants/defendants have sought dismissal of the plaintiff's application/claim.

-:Proceedings before the learned Family Court:-

8. The Family Court after appreciating oral and documentary evidence available on record, framed following issues and answered the issues as under:-

S.No.	Issues	Finding
1.	क्या वादिनी विवाह में भेंट स्वरूप प्राप्त वस्तुएं जो वाद पत्र में उल्लेखित है, प्रतिवादी के घर ले गयी थी और जो वर्तमान में प्रतिवादीगण के आधिपत्य में है ?	आंशिक रूप से प्रमाणित
2.	क्या वादिनी को विवाह के समय उसके परिवारवालों द्वारा वादपत्र में उल्लेखित कथित रूप से दी गयी वस्तुओं तथा जेवरात को प्रतिवादीगण से प्राप्त करने की अधिकारिणी है ?	आंशिक रूप से प्रमाणित
3.	सहायता एवं वाद व्यय ?	दावा आंशिक रूप से स्वीकार

-: Details of evidence and documents available before the Family Court:-

Evidence led by the respondent herein/plaintiff:-

9. Before the Family Court, respondent/plaintiff wife **Tonika Sahu** has examined herself as **PW-1** and **Yogesh Kumar Sahu** as **PW-2**, on behalf of the respondent/plaintiff wife and exhibited as many as fifteen documents **Exs.P-1 to P-15** which were admitted in evidence.

Evidence led by the appellants herein/defendants:-

10. Similarly, on behalf of the appellants herein/defendants, appellant No.1 herein/defendant No.1 husband **Domendra Kumar Sahu** has examined himself as **DW-1**. However, no document has been exhibited on their behalf for admission in evidence.

-:Finding and Judgment of the Family Court :-

11. Parties were given opportunity to adduce evidence and after completion of trial, the suit/application of the respondent herein/plaintiff wife has been partly allowed directing the appellants/defendants to return some of the articles to the respondent/plaintiff, vide j**udgment dated 13-3-2025**, being aggrieved against which, this appeal has been filed on the following grounds:-

(i) The impugned judgment passed by the learned Family Court approving the plaintiff/respondent's application ordering the defendants/appellants to return the items under Section 27 of the Hindu Marriage Act, 1955 is illegal, arbitrary, perverse and contrary to the law applicable to the facts and circumstances of the case.

(ii) The learned Family Court committed a gross illegality in ordering that defendant should hand over the double bed, sofa set, cupboard, dressing table, sewing machine, cooler, mixer, oven, T.V., Tea-table, computer set, computer table, induction, washing machine, some clothes of the plaintiff, locket, gold bracelet, one tola gold coin, gold ring, gold chain, nose-piece, earrings, waist belt, toe ring, anklet, lachcha to plaintiff Smt. Tonika Sahu within three months.

(iii) The learned Family Court failed to take into consideration the lack of evidence from the side of the plaintiff before passing the final order in favour of the plaintiff.

(iv) The respondent has admitted that she has not submitted any bill for *Mangalsutra*. She has admitted that some of the bills were of years 2005, 2017 and even 2018 whereas, the marriage has taken place in the year 2020. Therefore, they have submitted old bills which are not related to marriage. In some of the bills, appellant has been shown as buyer. In her affidavit, she has nowhere mentioned that a list was prepared of gifts during the marriage to the bride which is mandated under Section 2 of the Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules, 1985.

(v) Father of the respondent also submitted his affidavit under Order 18 Rule 4 and he was also cross-examined. In the cross-examination, he has accepted that he has not given filed bill in the case. He has accepted that the bills are old. He has also accepted that he has not made any complaint in the police station regarding alleged harassment of her daughter. He has clearly admitted that the list of articles which has been mentioned in the relief clause of the application have not been supported by any bills.

(vi) The Family Court passed the order on unproven grounds simply based upon the testimony as provided by the plaintiff and on the cross-examination of the defendant without fully appreciating the evidences as it was required to reconcile.

(vii) The learned Family Court passed an order without taking consideration of the fact that the plaintiff failed to provide receipts of one gold bracelet, 7 tola gold, 2 kilograms silver.

(viii) The Family Court's decision falls in direct contradiction of the judgment as provided by this Court in the case of **Ashutosh Dewangan v. Savita Dewangan {FA(MAT) No.85 of 2019}** wherein, owing to the lack of bills presented by the respondent, this Court held that respondent would only be entitled for those articles which have been admitted by the appellant as his evidence.

12. It is particularly noteworthy that the appeal has been finally heard with the consent of both parties.

-:Points for Determination:-

13. Considering the entire facts of the case, the following two points would emerge for determination of the issue: -

1. Whether the learned Family Court was justified in holding that the articles mentioned in para 22 sub-clause (a) of the impugned judgment were established to be the property of the respondent/plaintiff wife and in directing their return to her?

2. Whether the findings recorded by the learned Family Court suffer from any perversity, illegality or material misappreciation of oral and documentary evidence warranting interference in this appeal?

-:Argument of the Appellants/Defendants Husband and In-laws:-

14. Learned counsel for the appellants/defendants husband and in-laws submits that the learned Family Court has erred in directing return of all the articles and ornaments claimed by the respondent/plaintiff wife without reliable documentary evidence establishing that the same were given to her at the time of marriage or entrusted to appellant No.1/defendant No.1 husband. It is further contended that several bills relied upon by the respondent/wife pertain to periods prior to the marriage, some stand in the name of the appellants, and the alleged Mangalsutra, gold bracelet, one tola gold coin and other ornaments are not supported by any bills or receipts.

15. Learned counsel further submits that, the Family Court has erroneously relied upon the oral testimony of the respondent/plaintiff wife without properly appreciating the evidence on record. Placing reliance upon **Ashutosh Dewangan** (supra), decided on 12-2-2025, learned counsel submits that, in the absence of documentary evidence, the respondent/plaintiff wife could be held entitled only to those articles specifically admitted by the appellants. Accordingly, the impugned judgment and decree deserve to be set aside.

-:Argument of the Respondent/Plaintiff Wife:-

16. Per contra, learned counsel for the respondent/plaintiff wife supports the impugned judgment and submits that the Family Court has rightly appreciated the oral and documentary evidence available on record. It is contended that appellant No.1/defendant No.1 himself has admitted,

in his cross-examination, particularly from paragraph 7 onwards, that the respondent/plaintiff wife had brought seven tolas of gold and two kilograms of silver articles, including ornaments belonging to her grandmother, to the matrimonial home and had left those articles in the cupboard kept in his house. Such an admission is material and establishes not only the fact that the ornaments were brought by the respondent/plaintiff wife to the matrimonial home but also that they were left there.

17. Reliance is also placed upon the judgment of a coordinate Bench of this Court in the matter of **Tamradhwaj Gayakwad v. Jyoti Gayakwad, FA(MAT) No.355 of 2025, decided on 6-7-2026**.

-: Finding and Analysis of the Appellate Court :-

Points for determination No.1 and 2:-

18. Points for determination No.1 and 2 are taken up together for consideration, as they are interconnected.

19. The following admitted facts have emerged during the course of the appeal. The respondent/plaintiff wife and appellant No.1/defendant No.1 husband have been granted a decree of divorce by the Principal Judge, Family Court, Dhamtari, vide judgment and decree **dated 4-8-2025** passed in **Civil Suit No.159A/2024**. By the said judgment, permanent alimony of ₹ 3,00,000/- was awarded in favour of the respondent/plaintiff wife, with a direction to pay the same within three months.

20. The judgments of the coordinate Benches relied upon by both the parties, namely **Ashutosh Dewangan** (supra) and **Tamradhwaj Gayakwad** (supra), are based on the facts and circumstances of those respective cases. Since the facts of the present case are not identical to the aforesaid cases, it would be appropriate to examine the matter independently on the basis of the evidence available on record and determine whether the learned Family Court has committed any error in passing the impugned judgment.

21. The principal controversy in the present appeal relates to the respondent/plaintiff wife's entitlement to receive the articles and ornaments claimed by her in the application under Section 27 of the Hindu Marriage Act, 1955, particularly in view of the defence taken by the appellants/defendants husband that the respondent/plaintiff wife had already taken away the said articles and ornaments with her while leaving the matrimonial home.

22. The appellants/defendants have primarily challenged the impugned judgment by raising objections regarding the bills produced in support of the respondent/plaintiff wife's claim, contending that some articles are not supported by any bills, some bills pertain to an earlier period, and certain bills stand in the name of the appellant or the respondent/plaintiff wife's father.

23. So far as the objections regarding the absence of bills, their being of an earlier date, or their standing in the name of either the father of the respondent/plaintiff or the appellant/defendant are concerned, such

circumstances, by themselves, cannot be considered decisive in the context of articles purchased for a daughter's marriage. In Indian families, parents often begin making preparations for their daughter's marriage well in advance, according to their means and requirements, and ornaments may sometimes be purchased much earlier. Similarly, certain articles may also be purchased in the name of the prospective bridegroom. Therefore, merely on these grounds, the entire claim cannot be discarded, particularly when appellant No.1/defendant No.1, Domendra, himself has admitted that the respondent/plaintiff wife had also brought ornaments belonging to her grandmother (paragraph 7 of her cross-examination).

24. Apart from the aforesaid, the cross-examination of appellant No.1/ defendant No.1 **Domendra Sahu (DW-1)** further reveals that, in **paragraph 7**, he has admitted that the respondent/plaintiff wife had brought seven tolas of gold and two kilograms of silver articles to his house. In **paragraph 8**, he has further admitted that the said articles included ornaments belonging to the respondent/plaintiff wife's grandmother and that she had left those articles in the cupboard of his house.

25. In view of the aforesaid admission, the objections raised by the appellants/defendants regarding the bills and receipts, their absence or otherwise, become inconsequential and cannot, by themselves, defeat the respondent/plaintiff wife's claim.

26. The further defence taken by the appellants/defendants is that on 24-5-2023, the respondent/plaintiff wife had come to the matrimonial home along with her friend and taken away all the articles. However, the said defence does not appear to be acceptable, particularly in view of the admissions emerging from paragraphs 9 and 10 of the cross-examination of appellant No.1/defendant No.1, wherein he has stated that on 10th May, 2023, the respondent/plaintiff wife had come directly **from her coaching centre at Bilaspur** to **Sakhi One Stop Centre, Dhamtari**, and thereafter went to her parental home.

27. However, the aforesaid statement made in **paragraph 11** does not appear to be worthy of acceptance for two reasons. **Firstly**, no specific suggestion was put to the respondent/plaintiff wife during her cross-examination that she had visited the matrimonial home on 24-5-2023 along with her friend and taken away her clothes, jewellery and other articles in question. **Secondly**, no such specific plea appears to have been raised by the appellants/defendants in their written statement. In the absence of such a pleading and an appropriate suggestion to the respondent/plaintiff wife, the subsequent statement of the appellant cannot be accepted as sufficient proof of the alleged removal of the articles.

28. As regards the objection based upon Rule 2 of the Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules, 1985, it is true that the said Rule contemplates maintenance of a written list of presents given to the bride and bridegroom at the time of

marriage or as soon as possible thereafter, containing the prescribed particulars and signatures. However, non-production of such a list cannot, by itself, be treated as conclusive proof that no presents were given to the bride or that the articles claimed by her were never in existence. The evidence adduced by the parties, including the admission made by appellant No.1/defendant No.1, has to be considered on its own merits.

29. In the present case, the absence of such a list does not outweigh the specific admission of appellant No.1/defendant No.1 regarding gold and silver articles having been brought to his house and left in the cupboard. On a cumulative consideration of the evidence, it is apparent that appellant No.1/defendant No.1's own testimony supports the respondent/plaintiff wife's case regarding the presence of gold and silver articles in the matrimonial home. The Family Court has, therefore, rightly appreciated the evidence and reached to the conclusion regarding the respondent/plaintiff wife's entitlement to receive the articles mentioned in the impugned judgment.

30. In view of the foregoing discussion, this Court finds no illegality or infirmity in the impugned judgment and decree passed by the learned Family Court, which is based on proper appreciation of evidence available on record. Accordingly, both the points for determination are answered against the appellants/defendants and in favour of the respondent/plaintiff wife.

-:Final Conclusion :-

31. Consequently, the appeal, being devoid of merit, is hereby **dismissed**. The impugned judgment and decree passed by the learned Family Court directing appellant No.1/defendant No.1 husband to return the articles and ornaments mentioned therein to the respondent/plaintiff wife within the stipulated period, are hereby affirmed. Both parties shall bear their own costs.

32. Let the decree be drawn up accordingly.

Sd/-
(Parth Prateem Sahu)
JUDGE

Sd/-
(Sushma Sawant)
JUDGE

Soma