



CGHC010422952025



2026:CGHC:27876-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

FA(MAT) No. 355 of 2025

1 .

... Appellant

versus

1 - ,

... Respondent(s)

For Appellant	:	Mr. Pushpendra Kumar Patel, Advocate
For Respondent(s)	:	Mr. Adarsh Rajput, Advocate

Hon’ble Shri Justice Parth Prateem Sahu

Hon’ble Shri Justice Sachin Singh Rajput

Judgment on Board

Per Sachin Singh Rajput, J.

06.07.2026

1. The appellant has filed this appeal under Section 19(1) of the Family Courts Act, 1984, read with Section 28 of the Hindu Marriage Act, 1955, challenging the legal correctness and judicial propriety of the impugned judgment and decree dated 19.08.2025 passed by the learned First Additional Principal Judge, Family Court, Durg (C.G.), in Civil Suit No. 900/2023 (for short, "the Family Court"). By the impugned judgment and decree, the learned Family Court has partly allowed the application filed under Section 27 of the Act, 1955 by the respondent/wife and directed the appellant/husband to return the articles, including ornaments, utensils, almirah, sofa set, bed, etc., given as 'Stridhan' to the respondent/wife. It has been further directed that, if the appellant/husband is unable to return the said stridhan, he shall pay an amount of Rs. 2,00,000/-.
2. The parties are hereinafter referred to as the husband and the wife.
3. It is an admitted fact that the marriage between the parties was solemnized on 30.06.2017 at Village Mudhpar, District Bemetara, in accordance with the customary rites and ceremonies. Out of the said wedlock, a daughter was born, who is presently residing with the applicant/wife.
4. Wife filed an application under Section 27 of Act, 1955 against the husband before the learned Family Court *inter alia* pleading that after the birth of their daughter, the appellant/husband and his

family subjected her to cruelty by demanding dowry, making derogatory remarks for giving birth to a female child and harassing her on account of insufficient dowry. It is further pleaded that the non-applicant/husband induced the applicant/wife to transfer money towards the down payment and repayment of a car loan by assuring her that he would bear the liability; however, the loan installments were allegedly deducted from the applicant's account. Aggrieved thereby, the applicant/wife lodged a complaint before the Mahila Police Station, Sector-6, Bhilai, on 28.12.2021. She further pleaded that the non-applicant/husband has instituted a divorce proceeding against her, causing her financial hardship. It is further pleaded that her *Stridhan*, comprising household articles, gold and silver ornaments and cash, remains in the possession of the non-applicant/husband. She has sought return of the said articles or, in the alternative, payment of Rs.4,00,000/- towards their value.

5. The non-applicant/husband, in his written statement, while denying the allegations, submitted that the car loan was obtained with the consent of both parties and that he has been regularly repaying the loan since their separation. He further contends that the complaint lodged by the applicant/wife did not substantiate her allegations that the jewellery gifted by his family is already in the applicant's possession and that there is no documentary proof regarding the alleged '*Stridhan*'. It is also submitted that the applicant/wife retains access to the household cupboard and that

he had discharged certain liabilities incurred for the marriage. On these grounds dismissal of the application has been prayed for.

6. The applicant, Smt. Jyoti Gaikwad (A.W.-1), examined herself as a witness in support of her case. Likewise, the non-applicant, Tamradhwaj Gaikwad (N.A.W.-1) also examined himself as a witness in support of his defence.

7. On the basis of pleadings of both the parties, the learned trial Court has framed the following issues:-

क्रमांक	वाद प्रश्न	निष्कर्ष
01.	क्या वादिनी को प्रतिवादी के साथ हुए विवाह के दौरान मूल आवेदन पत्र की कडिका-14 (अ) में उल्लेखित सामानों को स्त्रीधन के रूप में दिया गया था ?	"प्रमाणित"
02.	क्या वादिनी, प्रतिवादी से उक्त स्त्रीधन प्राप्त करने की अधिकारिणी है?	"प्रमाणित"
03.	सहायता एवं व्यय ?	निर्णय की कडिका 16 के अनुसार

8. Upon assessment of the material available on record, the learned Family Court framed the issues and directed the husband to return the '*Stridhan*' and, in the event of his failure to do so, to pay a sum of Rs. 2 lakhs.
9. Shri Pushpendra Kumar Patel, learned counsel for the appellant, submits that the findings recorded by the learned Family Court are perverse, erroneous and contrary to the evidence on record and are therefore liable to be set aside. It is further submitted that the learned Family Court has failed to appreciate the evidence in its proper perspective and has erroneously directed the return of the '*Stridhan*' to the respondent. Learned counsel contends that the Family Court failed to consider that the respondent-wife treated the appellant-husband with cruelty and was unwilling to reside with him. It is also submitted that there is no evidence to establish that the alleged '*Stridhan*' was ever entrusted to or remained in the custody of the appellant-husband. No documentary evidence, receipt or any other cogent material has been produced to prove the delivery or entrustment of the said articles to the appellant. Considering the aforesaid submissions, the impugned judgment and decree are liable to be set aside.
10. On the other hand, learned counsel for the respondent/wife supports the impugned judgment and submits that there is no specific denial of the receipt of such '*Stridhan*'. The learned Family Court has rightly appreciated the evidence available on record. The findings recorded are based on a meticulous

assessment of the conduct of the parties and do not require any interference by this Court. Therefore, the instant appeal is liable to be dismissed.

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

12. Issue No. 1 pertains to the delivery of the '*Stridhan*' mentioned in Clause 14(a) of the original application. The learned Family Court found this issue to be proved. Learned counsel for the husband vehemently criticized and assailed the findings recorded by the learned Family Court on this issue. While deciding this issue, the learned Family Court observed that the burden of proving the issue was upon the wife. As per her statement, the said articles of '*Stridhan*' were given to the husband at the time of marriage and the bills pertaining to the same are with the husband. It has been further observed by the learned Family Court that, in the original application under Section 27, the wife had prayed for the return of the articles given at the time of marriage, the details of which were mentioned in the prayer clause. The husband has not categorically denied the averments made in the said paragraph.

13. Though learned counsel for the appellant tried to persuade this Court that no bills, receipts, etc. have been produced before the learned Family Court demonstrating that the said articles of '*Stridhan*' were ever given to the husband, this Court is not persuaded by the submissions so made because, normally, after

the marriage, the bills and other receipts are kept by the wife's in-laws. Apart from this, the wife has categorically deposed that those articles of '*Stridhan*' were given during the course of the marriage and the receipts, etc. are in the possession of her in-laws.

14. The common course of conduct is that, at the time of marriage, household articles, gold and silver ornaments, utensils and other customary articles are given to the bride as '*Stridhan*'. So far as articles such as a bed, dressing table, etc. are concerned, they also form part of the customary articles given at the time of marriage. Once the respondent/wife specifically pleaded in the prayer clause of her application regarding the return of the *Stridhan* articles or in the alternative payment of Rs. 4,00,000/-, the husband was required to specifically deny the said averments. Upon appreciation of the evidence available on record, the learned Family Court held Issue No. 1 to be proved. However, the learned Family Court also observed that the marriage of the parties was solemnized on 30.06.2017 and the *Stridhan* articles were about eight years old. It is further observed that, except for the gold ornaments, the value of the remaining articles would naturally depreciate over time. Accordingly, the learned Family Court held that the present value of the *Stridhan* articles, including the ornaments, could not be assessed at Rs. 4,00,000/-. Consequently, it directed the husband to return the *Stridhan*

articles and in the event of his failure to do so, to pay a sum of Rs. 2,00,000/- to the wife.

15. The findings so recorded by the learned Family Court cannot be said to be perverse or contrary to the evidence available on record. Merely because the wife could not produce the bills or receipts, despite having categorically stated that the same were in the possession of her in-laws, it cannot be inferred that the *Stridhan* articles, including the gold and silver ornaments and other household articles required for day-to-day family life, were not given at the time of marriage.

16. Accordingly, the submissions advanced by learned counsel for the appellant deserve to be rejected. The findings recorded by the learned Family Court are hereby affirmed. The appeal, being sans merit, is accordingly **dismissed**.

17. Let a decree be drawn up accordingly.

Sd/-

(Parth Prateem Sahu)
Judge

Sd/-

(Sachin Singh Rajput)
Judge