

IN THE COURT OF SH. PITAMBER DUTT
PRINCIPAL DISTRICT & SESSIONS JUDGE (NEW DELHI),
PATIALA HOUSE COURTS: NEW DELHI

In the matter of:
CC No. 506/2021

Sh. Inder
S/o Late Sh. Ranjeet Singh,
R/o Jhuggi No. C-1,
Valmiki Sadan, Mandir Marg,
Delhi

.....Plaintiff

Versus

1. Sh. Avinash
S/o Sh. Raj Kumar
2. Smt. Darshna
W/o Sh. Raj Kumar
Both R/o Sabji Mandi, Ghantaghar
Delhi – 110007

.....Defendants

COUNTER CLAIM
CC NO. 17/2022

1. Sh. Avinash
S/o Sh. Raj Kumar
2. Smt. Darshna
W/o Sh. Raj Kumar
Both R/o Sabji Mandi,
Ghantaghar Delhi – 110007

.....Counter-Claimants
/ Defendants

Versus

Sh. Inder
S/o Late Sh. Ranjeet Singh,
R/o Jhuggi No. C-1,
Valmiki Sadan, Mandir Marg,
Delhi

.....Non-Counter-Claimant
/ Plaintiff.

Date of institution : 18.12.2021
Date of reserving judgment : 08.05.2026
Date of judgment : 09.06.2026

JUDGMENT:

1. Vide this judgment, I shall decide the present suit filed by the plaintiff against the defendants for seeking recovery of Rs.7,00,000/- along with pendente lite and future interest as well as counter-claim filed by the defendants against the plaintiff for seeking decree of mandatory injunction, thereby directing the plaintiff, his executors, assigns, nominees, successors to return the gold and silver jewelry to the counter claimants, gifted by them to the daughter of plaintiff. The brief facts necessitated in filing of the suit and counter claim as pleaded by both the parties are given as under:-

Brief Fact of Suit

2. The plaintiff has averred that his acquaintance Sh. Sanjay, introduced him to defendant no. 1 regarding marriage proposal for his eldest daughter. He was told that defendant no. 1 was working in MCD and also having one shop at Dwarka. Besides this, family of defendant no. 1 was having their own houses in Jahangirpuri and Rani Bagh. He further averred that after due deliberations and meetings with family of defendant no. 1, he performed Roka Ceremony of his eldest daughter with defendant no. 1, thereafter, goad bharai ceremony and ring ceremony were also performed, wherein he spent around Rs.7,00,000/- besides amount spent in

gold items and clothes.

3. The plaintiff has further averred that defendant no. 1 started calling his younger daughter and used to demand bullet motorcycle having left side kick and also used to tell her that her sister should give half of her salary to him.
4. The plaintiff has further averred that on 14.03.2020, he along with his wife went to the house of mediator Sh. Sanjay to verify the properties and shop of defendant no. 1. The mediator called the mother, uncle and elder brother of defendant no. 1 for that purpose and when plaintiff tried to verify their property, defendant no. 2 started hurling abuses by saying that “Tum zyada pooch tach kar rahe ho, itni pooch tach koi nahi karta”. The defendant no. 1, who was standing outside, also came inside and stated that “Ab humein tumse koi rishta nahin rakhna aur shadi nahi hogi” and blatantly told that “Tumne jo kuch bhi diya hai, jo kharch hua hai, veh sabhi le jao, shadiyan tak toot jati hai, sagai hi to hai” and he also started abusing them in filthy language.
5. The plaintiff has further averred that thereafter they visited the house of the mediator several time to find some solution, but defendants flatly refused to pay back the amount spent by the plaintiff in pre-wedding ceremonies and threatened to defame his daughter in the society.
6. The plaintiff has further averred that he served a legal notice dated 18.10.2021 upon defendants vide speed post. But, despite

the service of the notice, the defendants have failed to pay the amount of expenses incurred by him in the pre-wedding ceremony. On the basis of these averments, the present suit has been filed for adjudication.

7. Pursuant to the summons, defendants appeared and filed their written statement taking preliminary objections that suit is not maintainable; That plaintiff has not come with clean hands and has suppressed the material facts; That suit has not been valued properly for the purpose of Court fees; That allegations made in the suit are false, baseless and malafide and plaintiff is trying to take advantage of his own wrong; That no cause of action had ever arisen in favour of the plaintiff and against the defendants.

8. On merits, defendants have averred that the plaintiff himself has committed the breach of engagement when he picked up quarrel on 12.01.2020 with the father of defendant no.1, who suffered a shock following paralytic attack on 13.01.2020 and was got admitted in Tirath Ram Shah Hospital. They further averred that on 16.03.2020, wife of plaintiff Smt. Anita made a call to defendant no. 2 and asked her that she had better proposal for marriage of her daughter with a doctor and told that she did not want to continue with this relation and asked them to return the gold and silver jewelry gifted by them, pursuant to which they returned the entire gold and silver jewelry to the plaintiff in the presence of the mediator Sh. Sanjay on 18.03.2020.

9. The defendants have further averred that plaintiff agreed to

return the jewelry gifted by defendants to them but thereafter they avoided the same on one pretext or the other and after few days demanded Rs. 7,00,000/- in cash from them and threatened to implicate them in a false criminal case. All other averments have been denied. It is prayed that suit may be dismissed.

10. The plaintiff has not filed replication to the written statement despite opportunity.

Brief Facts of Counter-Claim

11. The counter-claimants / defendants have averred that in June 2019, non-counter-claimant / plaintiff along with mediator Sh. Sanjay came with a proposal of marriage of his elder daughter with counter-claimant / defendant no. 1 and after due deliberations and being satisfied with the discussions, family back ground and status of counter-claimants, plaintiff finalized the marriage proposal of his daughter with counter-claimant no. 1 and engagement ceremony was fixed for 30.06.2019.

12. The counter-claimants / defendants have further averred that they incurred expense amounting to Rs. 50,000/- in goad bharai ceremony, gifted 5 gold and 6 silver jewelries in Ring Ceremony and incurred expenses amounting to Rs. 1,83,000/- in the goad bharai ceremony and also spent around Rs. 56,000/- on the occasion of birthday party of counter-claimant no. 1.

13. The counter-claimants have claimed that after few days of the sagai ceremony, the non-counter-claimant started putting false blame and picked up quarrel with the father of defendant no. 1 on

12.01.2020, due to which, his father suffered paralytic attack on 13.01.2020 and got admitted in Tirath Ram Hospital.

14. The non-counter-claimant refused to perform marriage and rather demanded the entire gold and silver jewelry from the counter-claimants. The counter-claimants / defendants returned the entire gold and silver jewelry to non-counter-claimant / plaintiff in the presence of mediator Sh. Sanjay on 18.03.2020. However, non-counter-claimant have failed to return the gold ornaments of 20 grams and silver ornaments of 200 grams, despite assurance on one pretext or the other. On the basis of these averments, present counter-claim has been filed.

15. The non-counter-claimant / plaintiff has filed their written statement taking preliminary objections that counter-claim has not been valued properly for the purpose of court fees; That the counter-claim filed by counter-claimants is self-contradictory; That counter-claim is bad for non-joinder of necessary parties; That counter-claimants have not come with clean hands and rather mis-represented the facts; That no cause of action has arisen in favour of counter-claimants and against non-counter-claimants. All other averments have been denied, it is prayed that the counter-claim filed by the counter-claimants /defendants may be dismissed with costs.

16. The counter-claimants / defendants have filed replication, thereby controverted the averments made in the written statement and reiterated the averments made in the counter- claim.

17. The Ld. Predecessor of this Court, has clubbed both the suit being CS no. 506/2021 and its counter claim being CS no. 17/2022, vide order dated 03.01.2024 and CS no. 506/2021 is treated as the main case, in which following issues have been framed for adjudication:-

ISSUES

1. If plaintiff is entitled to the recovery of Rs.7,00,000/- with pendente lite and future interest from the defendants? (OPP).

2. If defendants / counter-claimants had given the gold and silver ornaments as mentioned in para no. 58 of counter-claim, to the plaintiff, his daughter and relative and entitled to the recovery of the same? (OPD).

3. Relief.

18. In order to prove his case, plaintiff has examined himself as PW – 1 and reiterated the averments made in the plaint in his examination in chief. PW-1 has exhibited photocopy of his Aadhar Card as Ex. PW – 1/1 (OSR), bills Ex. PW-1/2, legal notice dated 18.10.2021 as Ex.PW-1/3, Speed post receipt dated 21.10.2021 as Ex. PW-1/4 and tracking report as Ex. PW-1/5.

19. PW – 1 has been thoroughly cross-examined by Ld. Counsel of defendants.

20. In order to answer the claim of the plaintiff, defendants have examined defendant no. 2 Smt. Darshna as DW – 1, who reiterated

the averments made in the written statement in her examination in chief. DW – 1 exhibited original marriage photographs as Ex.DW – 1/1 (colly), copy of list of articles returned to plaintiff Ex. DW-1/2 (OSR), copy of medical bills / discharge summary of Sh. Raj Kumar Ex. DW - 1/4 (colly).

21. Defendants have also examined defendant no. 1 Sh. Avinash as DW – 2.

22. Both DW – 1 & DW – 2, have been cross-examined by Ld. Counsel of plaintiff.

23. I have heard Sh. Ajay Kumar Chadha, Ld. Counsel for the plaintiff, Sh. Hariom Sharma and Ms. Sadhna Anand, Ld. Counsel for the defendants, perused the pleadings, evidence and other material placed on record. My issue wise finding is as under:-

24. ***Issue no. 1. If plaintiff is entitled to the recovery of Rs.7,00,000/- with pendente lite and future interest from the defendants? (OPP).***

The plaintiff has filed the present suit for seeking recovery of Rs. 7,00,000/- along with pendente lite and future interest @ 24% per annum, for the expenses incurred by him in the goad bharai and ring ceremony of his daughter. As per the plaintiff, he spent around Rs. 7,00,000/- in the pre-wedding function of his daughter. However, marriage of his daughter could not be solemnized due to the dispute arose between them and when plaintiff demanded return of the amount spent by him, he was told by the defendants that they would return only the jewelry items

but would not give anything towards the expenses incurred by the plaintiff on those events.

25. The defendants have controverted the claim of plaintiff and averred that the ring ceremony function was performed by the plaintiff voluntarily without there being any demand from their side, therefore, there is no legal and contractual liability of defendants to return any amount spent by the plaintiff on this event or occasion. As per the defendants, they also spent amount in the Roka function as per their capacity.

26. Both the parties have led their respective evidence in order to substantiate their claim.

27. The plaintiff has sought recovery of Rs. 7 Lakhs along with interest from the defendants on the ground that he spent the said amount in the goad bharai and ring ceremony, while arranging the party and giving various gifts to the defendants, excluding the amount spent on gold items and clothes.

28. The plaintiff though claimed that he spent Rs 7 Lakhs in the function of goad bharai and ring ceremony of his daughter. To prove the said fact, plaintiff has placed on record certain bills Ex.PW-1/2 (colly) (Running into 12 pages).

29. Page no. 1 of Ex.PW-1/2 (colly), is the challan for a sum of Rs.3,10,000/-, issued by Baba Tent House. The plaintiff however has not examined any person from Baba Tent House to prove the

said challan.

30. The plaintiff has further placed on record another bill of Rs. 70,000/-, which neither bears the name of the shop nor bears any signature of any representative of the said shop.

31. The plaintiff has placed on record rough estimate of Hira Jewellers, from page no. 3-7. These rough estimates appears to be of gold and silver articles, for which present suit has not been filed. Moreover, plaintiff has not examined any witness from Hira Jewellers to prove that he purchased any jewelry from them pursuant to these rough estimates.

32. The bill of R.G. Collections is of 15.11.2019 whereas the Goad Bharai and Ring Ceremony had taken place on 14.07.2019.

33. The other bills at page no. 8 to 12 are hand written without any details of shop number, bill numbers or the name of the person who issued these bills.

34. The plaintiff has not examined any witness to prove bills Ex.Pw-1/2 (colly). In the absence of examination of any witness from these shops, the bills Ex.PW-1/2 (colly) have remained unproved.

35. The plaintiff has filed the present suit for seeking recovery of Rs. 7 Lakhs from defendants on the ground that he had spent the said amount in the event organized on 14.07.2019. The

plaintiff however could not place on record any cogent proof to establish that he had spent Rs. 7 Lakhs in the goad bharai and ring ceremony of his daughter. He has also failed to prove on record by leading cogent evidence that he spent any such amount on the asking of defendants or that he is entitled to recover the said amount from the defendants.

36. In view of the above facts and circumstances, I am of the considered view that plaintiff has failed to prove on record that he spent Rs. 7 Lakhs in the Goad Bharai and Ring Ceremony of his daughter held on 14.07.2019. The plaintiff has also failed to prove on record that he spent any amount on such event at the instance of defendants. The plaintiff has failed to establish on record that he is entitled to recover Rs. 7 Lakhs along with pendente lite and future interest from the defendants. The plaintiff has thus failed to discharge the onus of issue no.1, same is accordingly decided against the plaintiff.

37. ***Issue no. 2. If defendants / counter-claimants had given the gold and silver ornaments as mentioned in para no. 8 of counter-claim, to the plaintiff, his daughter and relative and entitled to the recovery of the same? (OPD).***

The defendants have filed the counter-claim for seeking recovery of gold ornaments of 20 grams i.e. gold ring, gold pendant, gold chain, gold bindi and gold nose ring / pin, and silver ornaments of 200 grams i.e. Necklace, pair of bangles, pair of earrings, Bajuband, Juda kata / hathphool, pair of Paajeb, on the ground that these articles were given by the defendants to the

daughter of the plaintiff in her goad bharai but non-counter-claimant did not return these articles despite demand.

38. The plaintiff / non-counter-claimant has controverted the said claim of the counter-claimants in their written statement.

39. The defendants / counter-claimants have sought recovery of 20 Grams of gold ornaments and 200 grams of silver ornaments, which as per them were given to the daughter of the plaintiff / non-counter-claimant, in her goad bharai.

40. The onus to establish the fact that these gold and silver articles were given by defendants / counter-claimants to the daughter of plaintiff / non-counter-claimant, in her goad bharai is upon the counter-claimants / defendants.

41. To discharge the said onus, the counter-claimants / defendants have examined defendant no. 2 Ms. Darshana as DW – 1 and defendant no. 1 as DW – 2. However, none of these witnesses have deposed about the gifts of gold and silver items given to the daughter of plaintiff / non-counter-claimant in her goad bharai, in their examination in chief.

42. Both these witnesses though stated that plaintiff had not returned the jewelry articles presented to his daughter in the function but details of these articles, qua which the present counter-claim has been filed is not given in their examination in chief.

43. The non-counter-claimant / plaintiff has examined himself as PW – 1. He has been thoroughly cross-examined by Ld. Counsel of counter-claimants / defendants but he was neither cross-examined nor even given any suggestion that these gold and silver articles were given by counter-claimants / defendants to his daughter in her goad bharai or that these items were not returned by the plaintiff to the counter-claimants despite demand.

44. It is also relevant that counter-claimants / defendants have not adduced any cogent proof to establish that these jewelry articles were purchased by them from any shop. No bill for the purchase of these articles have been placed on record to establish that defendants had purchased gold and silver articles for the goad bharai function.

45. The counter-claimants / defendants have also not adduced any cogent proof on record to show that they gifted gold ornaments of 20 grams and silver ornaments of 200 grams to the daughter of non-counter-claimant / plaintiff in her goad bharai ceremony.

46. In view of the above facts and circumstances, I am of the considered view that counter-claimants / defendants have failed to prove on record that they presented gold and silver ornaments as mentioned in para 8 of the counter-claim, to the daughter of non-counter-claimant / plaintiff. The counter-claimants / defendants have thus failed to discharge the onus of issue no. 2, same is accordingly decided against the counter-claimants / defendants.

47. Issue no. 3. Relief.

In view of my findings on issues no. 1 and 2, I am of the considered view that plaintiff has failed to prove on record that he is entitled to recover Rs. 7 Lakhs along with pendente lite and future interest from the defendants.

I am also of the considered view that defendants have also failed to prove on record that they are entitled for the counter-claim of recovery of articles mentioned in para 8 of the counter-claim. Accordingly, the suit filed by plaintiff and counter-claim filed by defendants are dismissed. A decree sheet be accordingly drawn.

File be consigned to Record Room after due compliance.

*Announced in the Open Court
on 09th of June, 2026*

(PITAMBER DUTT)
Principal District & Sessions Judge,
New Delhi District, Patiala House Courts
New Delhi.