

IN THE FAMILY COURT, PATHANAMTHITTA
Present: Sri.Doney Thomas Varghese, Judge.

Thursday the 16th day of April, 2026
26th day of Chaithram of 1948 S.E.

OP No. 64/2024

Between:-

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| 1 Fouziya, aged 29 years,
W/o Muhammed Musthafa,
Alankarathil House, Kumbazha. P. O,
Pathanamthitta Village, Kozhencherry Taluk,
Pathanamthitta District
(By Adv. S. Karthika) |  | Petitioner |
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AND:-

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| 1 Muhammed Musthafa, aged 33 years,
S/o Shahul Hameed, Nisha Manzil,
Nadukunnu. P. O & Village,
Pathanapuram Taluk, Kollam District
2 Shahul Hameed, aged about 65 years,
Nisha Manzil, Nadukunnu P. O & Village,
Pathanapuram Taluk, Kollam District
3 Shahida, aged about 62 years,
W/o Shahul Hameed, Nisha Manzil,
Nadukunnu. P. O & Village,
Pathanapuram Taluk, Kollam District.
(By Adv. Adhinan Ismail) |  | Respondents |
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This petition having been finally heard on 16.04.2026 and on 16.04.2026 the same day the court delivered the following:-

JUDGMENT

Petition for return of gold ornaments and patrimony filed by the petitioner/wife.

2. The case of the petitioner in brief is as follows: The marriage between the petitioner and the 1st respondent was solemnized on 06.08.2017 in accordance with Muslim religious rites and ceremonies. Respondents 2 and 3 are the parents of the 1st respondent. After the marriage petitioner and the 1st respondent lived together as husband and wife at the house of the respondents at Pathanapuram and their marriage was consummated. At the time of negotiation for marriage it was agreed to give an amount of Rs.3,00,000/- and 50 sovereigns of gold ornaments as the paternal share of the petitioner. At the time of marriage father of the petitioner has entrusted Rs.3,00,000/- (Rupees Three Lakhs Only) to the respondents as patrimony. The petitioner's father has sufficient income from various sources to provide the amount and it is given for the welfare of his daughter. Petitioner was adorned with 70 sovereigns of gold ornaments. On the eve of the marriage an amount of Rs.3,00,000/- was handed over to the 2nd respondent by the father of the petitioner. The said amount is a trust amount and it was accepted by the 2nd respondent as trustee for the petitioner. After 3 days of marriage 3rd respondent and sisters of the 1st respondent

demanding the petitioner to hand over her gold ornaments on the pretext that, it would be kept in bank locker safely. On their demand the petitioner had handed over 65 sovereigns of her gold ornaments to the respondents on 10-08-2017. Before the entrustment the gold ornaments were examined by the respondents jointly in the presence of the petitioner and agreed to return the same on demand. After a few days the petitioner has recognized that the respondents have pledged her gold ornaments with the Indian Bank, Pathanapuram branch. After 2 months of marriage respondent proceeded to Gulf. After that the character of the 1st respondent totally changed. He failed to pay maintenance for the petitioner. When asked the 1st respondent says that he sent money in the account of his sister but the sister of the 1st respondent has mentally harassed the petitioner when she made a demand for money. 2nd and 3rd respondent also harassed and manhandled the petitioner even during her pregnancy. On 24-05-2018 a daughter was born out to the petitioner. When the 1st respondent came on leave respondents continuously demanded more money and dowry for their personal needs. On 24-05-2018 the petitioner had again given birth to a baby girl and thereafter the respondents started blaming the petitioner for not having a male child. On 30-05-2018 the father of the petitioner has handed over Rs.1,00,000/- to the 1st respondent and on 10-06-2018 father of the petitioner had given Rs.1,00,000/- to the 1st

respondent for the welfare of the petitioner. On 14-06-2018 the 1st respondent left India and thereafter 2nd and 3rd respondents contacted the petitioner and uttered filthy languages through the mobile phone. Petitioner has filed a petition before the Women Cell Pathanamthitta. On 14-09-2019 the 1st respondent came on leave and visited the petitioner and her child. Petitioner and their child were taken to his home. But after reaching his home the attitude of the 1st respondent totally changed and he has brutally manhandled the petitioner. Petitioner had to suffer sexual harassment from the 1st respondent. Respondents have destroyed the glass painting of the petitioner worth Rs. 50,000/-. Respondents have brutally manhandled the petitioner even in front of her parents. On 15-09-2019 the SHO of the Pathanapuram Police Station called the petitioner and respondents and a compromise was arrived between the parties. She was again taken to the house of the respondents. On 20-09-2019 respondent and the their relatives have brutally manhandled her and the 3rd respondent took off the gold chain from the neck of the child. The petitioner and child were thrown out of the house of the respondents. When the parents and the brother of the petitioner came there, the respondents and their relatives have manhandled them. After that the petitioner, her child, parents and brother were admitted at General Hospital, Pathanamthitta and the matter was informed to the Pathanapuram Police. Petitioner has also

filed a complaint before the Judicial First Class Magistrate Court Under Sec. 12 of DV Act as MC 24/2019. On 23/05/2023 the disputes were settled in mediation. The petitioner and respondents have jointly signed a mediation agreement. In the said mediation agreement, the respondents accepted that they are the custodian of her gold ornaments and they will give 10 sovereigns gold ornaments from that to the petitioner within one year from the date of agreement. On 4/06/2023 the petitioner and her child gone to the respondent's house and they lived together as husband and wife. But the respondents failed to comply with the said condition in the agreement. They tried to avoid the petitioner without giving a penny of money to her. Respondents and other family members demanded 10 Lakhs of rupees as dowry for their personal needs. They stated harassing the petitioner both mentally and physically. On 28/07/2023, sister of the 1st respondent manhandled the petitioner, spit on her and used abusive languages against her. On 21/09/2023, all the respondents and sisters and brother in laws of the 1st respondent jointly uttered abusive words to the petitioner and they dropped the petitioner and the child out of the house. Then the parents of the petitioner bring them to their own house. On 10/10/2023 the petitioner and her child again started living with the respondents by believing the words of 1st respondent. On 13/10/2023 1st respondent has damaged the petitioner's phone. Petitioner and her child were taken

back to her parental home. Respondents are liable to return 65 sovereigns of her gold ornaments or its market value of Rs.32,50,000/-, Rs.50,000/- as the value of the glass paintings destroyed by the respondents and Rs.5,00,000/- as her patrimony. Hence the petition.

3. Respondents entered appearance. When the case was included in the special list for trial IA.No.2/2026 was filed by the petitioner for striking off the defence of the 1st respondent for non payment of arrears of maintenance. IA.No.2/2026 was allowed.

4. Petitioner has filed affidavit in lieu of examination in chief and Exts.A1 to A11 series were marked. Counsel for the respondents failed to cross examine the petitioner and accordingly "no cross" was recorded. Neither any oral nor any documentary evidence was adduced by the respondents.

5. Heard. Only point that arise for consideration is whether the petitioner is entitled to the reliefs sought for in this petition ?

6. From the uncontroverted testimony of the petitioner I am satisfied that the petitioner has established her case warranting the grant of the reliefs sought for in this petition and as such I am inclined to pass a decree as prayed for. Point is answered accordingly.

In the result, this petition stands allowed as follows:-

1. Respondents are directed to return to the petitioner 65 sovereigns of her gold ornaments or in the alternative its market value within one month failing which the petitioner is entitled to recover the said market value together with interest thereon at 6% per annum from the date of petition say 25.01.2024 from the respondents and their assets.
2. Petitioner is entitled to realise a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) together with interest thereon at 6% per annum from the 2nd respondent and his assets from the date of petition till realisation.
3. Petitioner is entitled to realise a sum of Rs.2,00,000/-(Rupees Two Lakhs Only) together with interest thereon at 6% per annum from the respondents and their assets from the date of petition till realisation.

4. Petitioner is entitled to realise a sum of Rs.50,000/- (Rupees Fifty Thousand Only) together with interest thereon at 6% per annum from the respondents and their assets from the date of petition till realisation.
5. Petitioner is entitled to realize the costs of this petition from the respondents and their assets.

Dictated to the Confidential Asst, transcribed and typed by her, corrected by me and pronounced in open court on this the 16th day of April, 2026.

DONEY THOMAS VARGHESE,
JUDGE.

APPENDIX:-
Exhibit marked for the Petitioner:-

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| A1 | - 27.09.2019 | - Copy of Marriage Certificate issued by Local Registrar of Marriages, Pathanamthitta, Municipality. |
| A2 | - | - Marriage Album |
| A3 | - September 2018 | - Copy of Petition filed by the Petitioner before Women Cell, Pathanamthitta. |
| A4 | - | - Screenshot of Whatsapp Chat |
| A5 | - | - Copy of Station Register issued from Pathanapuram Police Station. |

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| A6 | - | - | Copy of Despatch- Cum- Stamp Account Register issued from Pathanapuram Police Station. |
| A7 | - | 30.01.2023 | - Copy of Petition submitted by the Petitioner before Pathanamthitta Police Station. |
| A8 | - | 30.05.2023 | - Copy of Order in MC 24/2019 filed by the Petitioner before Judicial First Class Magistrate Court I, Pathanamthitta. |
| A9 | | 16.10.2023 | - Copy of Petition Submitted by the Petitioner before SHO, Pathanapuram. |
| A10 | - | | - Copy of Crl.MP in MC 24/2019 filed by the Petitioner before, Judicial First Class Magistrate - I, Pathanamthitta. |
| A11 | - | | - Copy of Crl. MP in MC 24/2019 filed by the Petitioner before, Judicial First Class Magistrate Court - I, Pathanamthitta. |

Exhibit marked for the Respondents:- NIL

Witness Examined for the Petitioner:- NIL

Witness Examined for the Respondents:- NIL

JUDGE.