

IN THE HIGH COURT OF JHARKHAND AT RANCHI

First Appeal No.95 of 2025

Anil Kumar Singh aged about 44 years, Son of Gorakh Nath Singh,
resident of Plot No.B/63, Adarsh Co-operative, PO&PS-Sector 12,
District: Bokaro **Appellant**

Versus

1. Priya Raj, Wife of Anil Kumar Singh, Daughter of Alakh Deo Singh,
resident of Lane No.04, Azad Path, Near the house of Mahesh Pandey,
Chandmari Road, PO and PS Kankarbagh, district Patna, Bihar
2. The Branch Manager, Union Bank of India, B.S. City Branch, Plot
No.B-17, City Center, Sector-4, P.O. and P.S. Sector-4, District
Bokaro.

... .. **Respondents**

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

For the Appellant : Mr. Hemant Kr. Shikarwar, Advocate
Ms. Priyanka, Advocate
Mrs. Rajika Mahali, Advocate
For the Respondent : Mr. Umesh Kumar Choubey, Advocate

C.A.V on 27.07.2026 ***Pronounced on 27/08/2026***

Per Sujit Narayan Prasad, J.

Prayer

The instant appeal under Section 19(1) of the Family Court Act, is directed against the judgment dated 07.12.2024 and decree dated 18.12.2024 passed in Original Suit No.72 of 2022 by the learned Principal Judge, Family Court, Bokaro, whereby and whereunder, the petition filed under the provisions of Specific Relief Act read with Section 7 of the Family Courts Act by the plaintiff-respondent herein has been allowed.

Factual Matrix

2. The brief facts of the case, as pleaded in the plaint having been recorded by the learned Family Judge, needs to be referred as under:

- (i) It is the case of the plaintiff-wife (respondent no.1 herein)
that she and the Defendant No.1 (appellant herein) are

legally married wife and husband. Their marriage was solemnized on 20.04.2014 as per Hindu rites and custom. After marriage, they lived together as husband and wife. During marriage, she had received gold and silver jewellery, worth Rs.25,00,000/-by way of gift from her father's side as well from the side of Defendant No.1 which is her absolute property. During living together, she had entrusted the same for keeping in a locker and it was kept with the Defendant No.2, i.e. Union Bank of India, B.S. City Branch, vide Locker No. GB-69 attached to S.B. A/c No. 452402010750832. Mode of operation of the Locker was either by her or by the Defendant No.1. Owing to subjecting her with cruelty and torture for demand of dowry, she could not continue her conjugal life and shifted to her parents' home, leaving her Stridhan in custody of the Defendant Nos. 1 & 2. She requested the Defendant No.1 to hand over her Stridhan on various occasions but he paid no heed rather threatened to forget her Stridhan. On 05.05.2017 she also sent an application to the Defendant No.2 requesting him not to allow the operation of the Locker but the Defendant No.2 had not stated or informed anything. She is apprehensive of safe custody of her Stridhan. She got legal notice served upon the Defendant No.2 on 13.01.2022 but the Defendant No.2 in spite of service of legal notice did not bother to reply nor any tangible step had been taken. Her said Stridhan is not being allowed to be availed by her. She is apprehensive

of its misuse at the hands of the Defendant No.1 in connivance with the Defendant No.2, hence, the suit has been filed.

- (ii) Out of two defendants the Defendant No.1 appeared and contested the suit by filing written-statement on 12.08.2022 but the Defendant No.2 did not appear in spite of processes against him and vide order dated 25/05.11.2022 the suit has been heard *ex-parte* against him.
- (iii) The Defendant No.1 (appellant herein) has pleaded in his written statement that the instant suit of the Petitioner is not at all maintainable either in law or in facts. The Plaintiff has filed the suit on the basis of false and frivolous grounds and she has suppressed many material facts. The suit lacks territorial jurisdiction. Before lodging dowry case at Patna, she has already taken her all the Stridhan and the same is still in her possession, so there is no occasion to file the present suit. She has lodged an FIR against him and others at Patna only to harass them. In the said Locker the Petitioner has got no stridhan and the ornaments in the locker belong to his mother and father and to operate the locker one key has been provided by the bank which is in his possession and the pass book is in possession of the Petitioner.

On the basis of pleadings of the parties following issues were framed for adjudication of this suit;

- (i) Is this suit maintainable in its present form?

(ii) Whether the Petitioner has valid cause of action for the suit?

(iii) Whether the Petitioner is entitled to get decree for declaration and injunction under the provision of Specific Relief Act read along with section 7 of Family Courts Act?

(iv) Whether the Petitioner is entitled to get the relief as prayed for?

3. Learned Family Judge, after institution of the said case, taking into consideration of the pleadings as also the issues, has decided the *lis* allowing to grant relief in favour of the plaintiff-respondent herein.

4. The aforesaid judgment by which the relief granted to the plaintiff-respondent herein, is under challenge by filing the instant appeal.

Submission on behalf of the appellant-husband:

5. The learned counsel appearing for the appellant-husband has taken the following grounds in assailing the impugned judgment:

(i) There is an error in the impugned judgment, since, each and every aspect of the matter has not been taken into consideration based upon the documentary evidences as well as ocular evidences.

(ii) It has been contended that after marriage the petitioner-respondent herein started living with the appellant-husband and his parents but she was misbehaving with parents of the appellant and thereafter, both started living in separate house but there also she used to quarrel with the appellant-husband.

(iii) It has also been contended that her father in his evidence has stated that he gave ornament worth Rs.8,00,000/- while the petitioner is claiming stridhan worth Rs.25,00,000/- which shows that the suit has been filed with ulterior motive.

(iv) He has further submitted that the petitioner-respondent herein was claiming stridhan in a case filed at Patna under Domestic Violence Act.

(v) He has also submitted that she filed several cases against the appellant and his family members at Patna and making a false ground has filed the suit only to harass the appellant-husband.

(vi) It has been contended that the learned Family Court has wrongly decided the suit as there is specific evidence on record that the appellant has been able to establish that the jewelleries in the locker are not of the plaintiff and she has taken her entire stridhan along with her.

(vii) It has been contended that the plaintiff-respondent has not given her stridhan and handed over to the appellant rather she took her entire stridhan along with her with a false assurance that she was taking those jewelleries for marriage in her family.

(viii) It has been contended that if at all the appellant has any intention to misuse the stridhan he was having sufficient time to take out the stridhan and used the same.

6. The learned counsel, based upon the aforesaid ground, has submitted that the impugned judgment is perverse and therefore, needs interference.

Submission on behalf of the respondent-wife:

7. The learned counsel appearing for the respondent-wife has taken the following grounds in defending the impugned judgment:

- (i) There is no error in the impugned judgement. The learned Family Judge has considered the entire issue and on the basis of evidence as led by the parties has passed the order impugned as such same may not be interfered with.
- (ii) It has been contended that after marriage, they lived together as husband and wife and during marriage, she had received gold and silver jewellery worth Rs.25,00,000/- by way of gift from her father's side as well as from the side of defendant no.1-appellant herein. During that time, she had entrusted the same for keeping in a locker and it was kept with the defendant no.2-respondent no.2 herein vide locker no.GB-69 attached to Saving account. The mode of operation of locker was either by her or by her husband.
- (iii) It has been submitted that subjecting her with cruelty and torture for demand of dowry, she was not able to lead her conjugal life and shifted to her parent's home, leaving her stridhan in custody of appellant.
- (iv) It has also been submitted that she requested the appellant to hand over her stridhan on various occasions but he paid no heed rather threatened to forget her stridhan. She was apprehensive of safe custody of her stridhan. She was also apprehensive of its misuse at the hand of the appellant in connivance with the respondent no.2.

(v) It has also been submitted that the learned Family Court after taking into consideration the material available on record has found that the conduct of the appellant-husband has never been towards salvaging the institution of marriage, therefore, on the pretext of the aforesaid categorical finding of the Family Court, the impugned order requires no interference.

8. Learned counsel, based upon the aforesaid grounds, has submitted that the impugned judgment cannot be said to suffer from an error.

Analysis:

9. We have heard the learned counsel appearing for the parties and gone through the impugned judgment, as also, the material available on record.

10. The learned Family Judge has formulated altogether four issues, for ready reference, the same are being quoted hereinbelow:

(i) Is this suit maintainable in its present form?

(ii) Whether the Petitioner has valid cause of action for the suit?

(iii) Whether the Petitioner is entitled to get decree for declaration and injunction under the provision of Specific Relief Act read along with section 7 of Family Courts Act?

(iv) Whether the Petitioner is entitled to get the relief as prayed for?

11. The main issue, i.e., Whether the petitioner is entitled to get decree for declaration and injunction under the provision of Specific Relief Act read along with Section 7 of the Family Courts Act.

12. The learned Family Judge has taken into consideration the issue nos.(iii) & (iv), i.e., *whether the Petitioner is entitled to get decree for declaration and injunction under the provision of Specific Relief Act read along with section 7 of Family Courts Act and whether the Petitioner is entitled to get the relief as prayed for?*

13. The learned Family Judge has considered the evidence adduced on behalf of the parties for deciding the issues involved in the Suit.
14. This Court, in order to appreciate the aforesaid rival submission before entering into the legality and propriety of the impugned judgment, needs to discuss herein the relevant part of the evidences adduced on behalf of the parties which has been mentioned in the impugned order.
15. In support of her case, the plaintiff/wife has examined two witnesses, i.e., P.W.-1, Priya Raj (plaintiff herself) and P.W.-2, Alakh Deo Singh (father of the plaintiff).
16. On the other hand, the respondent-husband (appellant herein), has examined himself as D.W.1 along with D.W.2, Gorakh Nath Singh (father of appellant) and D.W.3, Shanti Devi (mother of appellant).
17. For ready reference the testimony of witnesses as has been examined during trial is being referred herein.
18. P.W.-1 is the Plaintiff herself (respondent herein). P.W.1, namely, Priya Raj in her examination-in-chief has stated about getting gold and silver ornaments in her marriage from parental side as well as husband side approximately worth Rs. 25,00,000/-. After marriage she started residing with her husband at Adarsh Colony, Chas and thereafter to the Quarters allotted by Bokaro Steel Plant. During her stay at Chas, she handed over ornaments to the Defendant No.1 for keeping in branch of bank of Defendant No.2 in the allotted locker no.69 for safety purpose. The mode of the locker was either to be operated by her or the Defendant No.1(appellant herein). The key of the locker was kept lying with the Defendant No.1.

- 19.** She has further stated that she has filed this suit to get her stridhan kept in locker no.69 connected account no. with saving bank 452402010750832. In para-19 of the cross-examination she has corroborated her evidence and said that the locker in Union bank of India, as said by her, is joint locker. In para-20 she has said that the passbook of the said locker is with her. In para-21 she has expressed her ignorance as to whether any one of her in-laws have got any locker in that bank or not. In para-22 she has said that she cannot say as to whether the details of ornaments have been given in the plaint or not. In para-33 she has denied suggestion of the Defendant No.1 that she has got her no stridhan in the locker in Union Bank of India. In para-35 she has denied suggestion of the Defendant No.1 that in the said locker ornaments of her mother-in-law, gotani (wife of brother of her husband) and nanad (sister of her husband) are lying which is being claimed by her as her stridhan and further said that the said locker is in joint in her and her husband's name.
- 20.** P.W.-2 Alakh Deo Singh, who is father of the Plaintiff, has supported the evidence of the Plaintiff (PW1) and stated in his examination-in-chief that in the marriage the Plaintiff got gold and silver ornament from him, other relatives and friends and from her in-laws side worth Rs.25,00,000/-. He has further stated that after marriage his daughter started residing with her husband at Adarsh Colony, Chas and thereafter to the Quarters allotted by Bokaro Steel Plant and during her stay at Chas for safety purpose she handed over her ornaments to the Defendant No.1 for keeping in branch of bank of Defendant No.2 (respondent no.2 herein) in the allotted locker no.69. The mode of the locker was either to be operated by wife or husband. He has further stated that she requested the Defendant No.1 to

give her stridhan but he continuously kept deaf ears. He has further stated that the case has been filed to get her stridhan kept in locker no.69 connected with saving bank account no. 452402010750832.

21. In para-17 of the cross-examination, he has deposed that whatsoever has been written in his affidavit has been heard by him from his daughter. In para-19 he has said that he gave ornaments worth rupees eight lakhs to his daughter (Petitioner) and other articles. In para-32 he has denied suggestion of the Defendant No.1 that in the said locker ornaments of mother, sister and bhabhi (sister-in-law) of the Defendant No.1 are lying and voluntarily said that the said locker and account were opened after the marriage.

22. D.W.1, namely, Anil Kumar Singh, who is the Defendant No.1 (appellant herein), has stated in his examination-in-chief on affidavit that on 11.11.2017 maternal uncle and father of the Plaintiff came to his house and in the name of marriage of cousin of the Plaintiff took her away with them on 12.11.2017 without his knowledge and the Plaintiff in the name of attending marriage took away all her gold and silver ornaments and she never returned to her matrimonial house thereafter.

23. He has further deposed that the plaintiff wants to grab all ornaments of his sister, mother and sister-in-law kept in the locker of Defendant No.2. He has further testified that no stridhan of the Plaintiff is lying in the locker of Defendant No.2 rather it belongs to his mother, sister and sister-in-law. In his cross-examination in para-31 he has admitted that after the marriage for locker an account was opened in Union Bank of India and passbook, cheque-book and key of locker were issued by the bank. He is not remembering as to how many times the locker was opened but it was

opened by him only. He has denied that ornaments of the Plaintiff only were lying in that locker and said that ornaments of his mother, father, bhabhi and sister was lying in the locker of bank.

24. In para-16 of the written-statement the Defendant No.1 has pleaded that ornaments kept in the locker belong to his mother and father.

25. D.W.2, Gorakhnath Singh, who is father of the Defendant No.1, has filed his examination-in-chief on affidavit stating that the Plaintiff has got her no stridhan in the locker of Union Bank of India, City Center Branch, B.S. City rather ornaments of his wife, elder daughter-in-law and daughter have been kept and those are- 1 mangaltikka, 1 set (necklace and earring), 2 nathiya, 2 payal, 1 bangle set, 1 ring, 6 ear rings, 10 gold rings, 1 gold chain locket and dholna, 1 pola bangle, one diamond earring, 1 mangal sutra, 1 gold chain. These are gold ornaments. He has also given details of silver ornaments which are- 2 bowls, 1 spoon, 1 glass, 5 silver coin and 1 fish (Pan, Kasaili (5 each)). In para-26 of his cross-examination he has admitted that bank locker has been opened in United Commercial Bank, City Center, Sector-4 in which what ornaments have been kept is not known to him but in that locker ornaments of his son and daughter-in-law have been kept.

26. Examination-in-chief of the DW3 Shanti Devi, who is mother of the DW.1, has deposed in para-15 that the Plaintiff has got her no stridhan in the locker of Union Bank of India, City Center Branch, B.S. City rather her ornaments and ornaments of her elder daughter-in-law and daughter have been kept and she has also given detail of those ornaments like the DW2 and further stated that the Plaintiff has filed the suit to grab their jewellery.

27. The learned Family Court, in the light of the pleadings of the parties and evidence adduced had formulated the issue and has allowed the petition filed under the provisions of Specific Relief Act read with Section 7 of the Family Courts Act in favour of plaintiff-respondent and has observed that the Stridhan of the plaintiff/petitioner (respondent no.1 herein) lying in the locker no.GB69 connected with SB Account No.452402010750832 in Union Bank of India, Bokaro Steel City, Branch is absolute property of the plaintiff/petitioner (respondent no.1 herein) and she is entitled to get it. The defendants (appellant herein) are hereby restrained to operate the said locker or allowed it to be operated behind the back of the plaintiff. The aforesaid order has been challenged herein in the instant appeal.

28. In essence, the defendant no.1/appellant has argued that the Family Court erred in its decision, as the evidence clearly establishes that the jewellery kept in the locker did not belong to the plaintiff-respondent no.1, who had already taken her entire stridhan with her. It is further contended that the plaintiff-respondent did not hand over her stridhan to the appellant but instead removed it herself under the false pretext of using the jewellery for a marriage in her family.

29. Lastly, it is urged that if the appellant had any intention to misuse the stridhan, he had ample opportunity to do so earlier, which demonstrates that no such misuse was ever contemplated. The learned counsel, based upon the aforesaid ground, has submitted that the impugned judgment is perverse and therefore, needs interference.

30. In the aforesaid context it needs to refer herein that the interpretation of the word “perverse” as has been interpreted by the Hon'ble Apex Court which means that there is no evidence or erroneous consideration of the

evidence. The Hon'ble Apex Court in *Arulvelu and Anr. vs. State [Represented by the Public Prosecutor] and Anr., (2009) 10 SCC 206* while elaborately discussing the word perverse has held that it is, no doubt, true that if a finding of fact is arrived at by ignoring or excluding relevant material or by taking into consideration irrelevant material or if the finding so outrageously defies logic as so to suffer from the vice of irrationality incurring the blame of being perverse, then, the finding is rendered infirm in law. Relevant paragraphs, i.e., paras-24, 25, 26 and 27 of the said judgment reads as under:

“24. The expression “perverse” has been dealt with in a number of cases. In Gaya Din v. Hanuman Prasad [(2001) 1 SCC 501] this Court observed that the expression “perverse” means that the findings of the subordinate authority are not supported by the evidence brought on record or they are against the law or suffer from the vice of procedural irregularity.

25. In Parry's (Calcutta) Employees' Union v. Parry & Co. Ltd. [AIR 1966 Cal 31] the Court observed that “perverse finding” means a finding which is not only against the weight of evidence but is altogether against the evidence itself. In Triveni Rubber & Plastics v. CCE [1994 Supp (3) SCC 665 : AIR 1994 SC 1341] the Court observed that this is not a case where it can be said that the findings of the authorities are based on no evidence or that they are so perverse that no reasonable person would have arrived at those findings.

26. In M.S. Narayanagouda v. Girijamma [AIR 1977 Kant 58] the Court observed that any order made in conscious violation of pleading and law is a perverse order. In Moffett v. Gough [(1878) 1 LR 1r 331] the Court observed that a “perverse verdict” may probably be defined as one that is not only against the weight of evidence but is altogether against the evidence. In Godfrey v. Godfrey [106 NW 814] the Court defined “perverse” as turned the wrong way, not right; distorted from the right; turned away or deviating from what is right, proper, correct, etc.

27. The expression “perverse” has been defined by various dictionaries in the following manner:

1. Oxford Advanced Learner's Dictionary of Current English, 6th Edn.

“Perverse.—Showing deliberate determination to behave in a way that most people think is wrong, unacceptable or unreasonable.”

2. Longman Dictionary of Contemporary English, International Edn.

Perverse.—Deliberately departing from what is normal and reasonable.

3. The New Oxford Dictionary of English, 1998 Edn.

Perverse.—Law (of a verdict) against the weight of evidence or the direction of the judge on a point of law.

4. *The New Lexicon Webster's Dictionary of the English Language (Deluxe Encyclopedic Edn.)*

Perverse.—Purposely deviating from accepted or expected behavior or opinion; wicked or wayward; stubborn; cross or petulant.

5. *Stroud's Judicial Dictionary of Words & Phrases, 4th Edn.*

“Perverse. —A perverse verdict may probably be defined as one that is not only against the weight of evidence but is altogether against the evidence.”

31. Thus, from the aforesaid it is evident that if any order made in conscious violation of pleading and law then it will come under the purview of perverse order. Further “perverse verdict” may probably be defined as one that is not only against the weight of evidence but is altogether against the evidence.

32. Thus, “perversity” refers to a finding or decision so unreasonable or irrational that no reasonable person acting judicially could have reached it. It signifies a gross and unreasonable assessment of evidence or law by a court.

33. Further Perversity is a high threshold for intervention, distinguishing it from a mere error of fact or law. The "safest approach on perversity is the classic approach on the reasonable man's inference on the facts but inadequacy of evidence or a different reading of evidence is not perversity, reference in this regard be made to the judgment rendered by the Hon’ble Apex Court in the case of ***Damodar Lal v. Sohan Devi, (2016) 14 SCC 197.***

34. In the backdrop of the aforesaid settled position of law this Court is now re-adverting of the factual aspect of the case.

35. It is evident that the plaintiff-wife (respondent no.1) asserts that her marriage with the appellant was solemnized on 20.04.2014 under Hindu rites, and during the marriage she received gold and silver jewellery worth

₹25,00,000 as gifts from both sides, which constituted her stridhan. It has further been stated that she entrusted these ornaments to a locker jointly operated by herself and the appellant at Union Bank of India, B.S. City Branch. Alleging cruelty and dowry demands, she left her matrimonial home but her stridhan remained in the custody of the defendants. Despite repeated requests, the defendant no.1/husband (appellant herein) refused to return the stridhan and threatened her, while the bank failed to respond, leading her to apprehend misuse of her property and filed the suit before the learned Family Court.

36. The appellant (defendant no.1), however, contested the suit by filing a written statement on 12.08.2022, claiming that the suit was not maintainable either in law or on facts, and that the plaintiff had suppressed material facts. He contended that she had already taken her stridhan before lodging a dowry case at Patna, and therefore had no cause of action. He further alleged that the ornaments in the locker belonged to his parents, not the plaintiff, and that she filed the case only to harass him through false allegations and FIRs. After considering the pleadings and issues, the learned Family Judge ultimately decided the matter in favour of the plaintiff-respondent, granting her relief.

37. It is evident from testimony of the P.W.1 (Plaintiff/Respondent No.1) that she has unequivocally deposed that subsequent to her marriage she commenced cohabitation with her husband at Adarsh Colony, Chas, and thereafter in the quarters allotted by Bokaro Steel Plant. During her residence at Chas, she entrusted her ornaments to Defendant No.1 for safe custody in Locker No. GB-69 of Defendant No.2's bank branch. The said locker was jointly operable either by herself or Defendant No.1 (the

appellant herein), and the key thereof remained in possession of Defendant No.1.

- 38.** In para-19 of her cross-examination, she reaffirmed her testimony, stating that the locker in Union Bank of India was indeed a joint locker. In para-20, she asserted that the passbook of the said locker is in her possession. In para-33, she categorically denied the suggestion of Defendant No.1 that no stridhan was deposited in the locker. In para-35, she further denied the suggestion that the ornaments of her mother-in-law, her husband's brother's wife (gotani), and her husband's sister (nanad) were kept therein, reiterating that the locker stood jointly in her and her husband's names.
- 39.** P.W.2 Alakh Deo Singh, father of the Plaintiff, corroborated her evidence in his examination-in-chief, affirming that at the time of marriage the Plaintiff received gold and silver ornaments worth approximately ₹25,00,000/- from him, relatives, friends, and also from her in-laws.
- 40.** In para-32, he denied the suggestion of Defendant No.1 that ornaments belonging to the Defendant's mother, sister, and sister-in-law were stored in the locker, and volunteered that the said locker and account were opened only after the marriage.
- 41.** D.W.1 Anil Kumar Singh (Defendant No.1/Appellant herein), in his examination-in-chief on affidavit, stated that on 11.11.2017, the Plaintiff's maternal uncle and father visited his residence and, under the pretext of attending the marriage of the Plaintiff's cousin, took her away on 12.11.2017 without his knowledge. He alleged that the Plaintiff, under the guise of attending the marriage, carried away all her gold and silver ornaments and never returned to her matrimonial home thereafter. He further asserted that no stridhan of the Plaintiff is lying in the locker of

Defendant No.2, which instead contains ornaments belonging to his mother, sister, and sister-in-law.

42. In para-31 of his cross-examination, D.W.1 admitted that subsequent to marriage, an account was opened in Union Bank of India for the locker, and that the passbook, cheque-book, and locker key were issued by the bank. He professed inability to recall the number of times the locker was operated, but conceded that it was operated solely by him.
43. D.W.2 Gorakhnath Singh, father of Defendant No.1, in his examination-in-chief on affidavit, deposed that the Plaintiff has no stridhan in the locker of Union Bank of India, City Center Branch, B.S. City, and that the ornaments therein belong to his wife, elder daughter-in-law, and daughter.
44. D.W.3 Shanti Devi, mother of Defendant No.1, in her examination-in-chief, specifically in para-15, deposed that the Plaintiff has no stridhan in the said locker, which instead contains her own ornaments and those of her elder daughter-in-law and daughter.
45. Thus, in the foregoing paragraphs, this Court has carefully examined the testimonies of the witnesses adduced on behalf of the plaintiff-wife (respondent no.1 herein) as well as the defendant no.1 (appellant herein), from which, the following facts have emerged:
 - (i) The plaintiff (respondent no.1 herein) and the defendant no.1 (appellant herein) are legally wedded spouses, their marriage having been solemnized on 20.04.2014.
 - (ii) Subsequent to the marriage, Locker No. GB-69 was opened and made operational at the Union Bank of India, B.S. City Branch (defendant no.2/respondent no.2 herein), linked with S.B. Account No. 452402010750832, with the mode of

operation vested jointly in either the plaintiff or the defendant no.1.

(iii) It is apparent that the said locker, however, has at all times been operated exclusively by the defendant no.1.

(iv) Further, the key of the locker remains in the custody of the defendant no.1, whereas the passbook of the connected account is in possession of the plaintiff.

46. It is evident that the Defendant No.1 (appellant herein) has not specifically disputed the existence of Locker No. GB-69, S.B. A/C No.452402010750832 at the Union Bank of India, B.S. City Branch, which is operable either by himself or by his wife, the Plaintiff (respondent no.1 herein). His plea is confined to asserting that the said locker contains no stridhan of the Plaintiff, but rather ornaments belonging to his parents. He has further admitted that the locker is operated with a single key issued by the bank, which remains in his possession, while the passbook pertaining thereto is in the custody of the Petitioner. Accordingly, Defendant No.1 has acknowledged that the passbook relating to the said locker is held by the Petitioner.

47. In para-33, plaintiff/petitioner (respondent no.1) categorically denied the suggestion of Defendant No.1 (appellant herein) that no stridhan was deposited in the locker in Union Bank of India. By such suggestion the Defendant No.1 is not denying that she has got locker in the said bank. Further in paragraph 35 plaintiff/petitioner (respondent no.1) denied the suggestion that the ornaments of her mother-in-law, her husband's brother's wife (gotani), and her husband's sister (nanad) were kept therein, reiterating that the locker stood jointly in her and her husband's names. By

such suggestion the Defendant is not denying that in the said locker ornaments are lying.

48. Thus, P.W.1 has withstood the rigours of cross-examination, and her testimony is found to be wholly credible and reliable.

49. Further it is evident from evidence of PW.2 that he has fully substantiated the evidence of P.W.1 by categorically stated that at the time of marriage the Plaintiff received gold and silver ornaments worth approximately ₹25,00,000/- from him, relatives, friends, and also from her in-laws.

50. Further DW.1 (appellant herein) has stated that he is not remembering as to how many times the locker was opened but it was opened by him only. Thus, such evidence supports the case of the Plaintiff/wife and evidence of the Plaintiff/wife also gets corroboration from such evidence.

51. It is further evident from the record that D.W.1 (the appellant herein) has not examined his brother, sister, and sister-in-law to substantiate the claim that their ornaments were deposited in the said locker.

52. It is further pertinent to note that the mother of D.W.1, examined as D.W.3, has categorically admitted in para-23 and para-25 of her cross-examination that all her daughters were married prior to the marriage of Defendant No.1, and that the locker in question was opened only after the marriage of Defendant No.1 with the Plaintiff. This naturally raises the question: if the daughters and elder son of D.W.3 were already married before the marriage of the Plaintiff and Defendant No.1 (appellant herein), what prevented them from opening an account and operating a locker earlier?

53. This question remains unanswered by Defendant No.1. Consequently, the assertion made by the defence witnesses in their examination-in-chief that the ornaments lying in the said locker belong exclusively to the mother,

sister, and sister-in-law of Defendant No.1 cannot be accepted as credible or reliable.

54. Thus, upon consideration of the foregoing discussion, this Court is of the considered view that D.W.1, the husband (appellant herein), has failed to adduce any cogent evidence in support of his claim. Furthermore, as observed in the preceding paragraphs, the assertion made by the defence witnesses in their examination-in-chief that the ornaments lying in the said locker belong exclusively to the mother, sister, and sister-in-law of Defendant No.1 does not inspire confidence and cannot be accepted as credible or reliable. Accordingly, the instant appeal is devoid of merit and is not fit to be allowed.

55. In the backdrop of the aforesaid discussions, this Court now proceeds to re-advert to the impugned judgment for the limited purpose of examining whether the same suffers from the vice of perversity.

56. Upon perusal of the impugned judgment, it is manifest that the learned Family Court has elaborately dealt with every facet of the case. The Court has meticulously appreciated both the oral and documentary evidence and, upon such appreciation, has rightly decreed the suit in favour of the Plaintiff-wife (Respondent No.1 herein). The Family Court has further correctly held that the stridhan of the Plaintiff, lying in Locker No. GB-69 connected with S.B. Account No.452402010750832 in Union Bank of India, Bokaro Steel City Branch, constitutes her absolute property, to which she is lawfully entitled. The Defendants (appellants herein) are accordingly restrained from operating the said locker or permitting its operation behind the back of the Plaintiff. For ready reference the relevant

paragraphs of the impugned judgment are being quoted herein which reads as under:

11. Issue No. (i) and (ii):-

The Plaintiff has been able to make out a case and successful in proving the same that after her marriage with the Defendant No.1 a locker no. GB-69 connected with S.B. A/C No.452402010750832 was made operational in the bank branch of Defendant No.2 namely Union Bank of India, B.S. City branch at Bokaro and it was to be operated either by the Plaintiff or the Defendant No.1. In that locker ornaments of the Plaintiff are kept. As per her pleading her stridhan was entrusted to the Defendant No.2 through the Defendant No.1. So, as the entrustment is still there with the Defendant No.2, therefore, the cause of action is still continuing. I find that the Petitioner has valid cause of action for the present suit and it is well maintainable. The contention of the learned counsel for the Defendant No.1 that as the case filed by the Plaintiff at Patna under the provision of the DV Act claiming her stridhan is pending and as such this suit should be stayed is not tenable and as such it is rejected.

Both these issues are thus answered.

12. In the light of above discussions, order is passed that-

ORDER

The present suit of the Plaintiff is decreed with contest against the Defendant No.1 and ex-parte against the Defendant No.2 but without cost. It is hereby declared that the stridhan of the Plaintiff lying in locker GB-69 connected with S.B. No.452402010750832 in Union Bank of India, B.S. City branch is absolute property of the Plaintiff and she is entitled to get it. The Defendants are hereby restrained to operate the said locker or allow it to be operated behind the back of the Plaintiff. Parties shall bear their own cost of litigation.

Let a decree be prepared accordingly.

57. This Court, on consideration of the finding arrived at by the learned Family Judge and based upon the aforesaid discussion, is of the view that the judgment passed by the learned Family Judge is not coming under the fold of the perversity, since, the conscious consideration has been made of

the evidences, both ocular and documentary, as would be evident from the impugned judgment.

58. This Court, therefore, is of the view that the judgment dated 07.12.2024 and decree dated 18.12.2024 passed in Original Suit No.72 of 2022 by the learned Principal Judge, Family Court, Bokaro needs no interference.

59. Accordingly, the instant appeal stands dismissed.

60. Pending I.As, if any, stands disposed of.

(Sujit Narayan Prasad, J.)

I Agree.

(Pradeep Kumar Srivastava, J.)

(Pradeep Kumar Srivastava, J.)

Dated: 27/08/2026
Jharkhand High Court, Ranchi
Rohit-A.F.R.
Uploaded on 27.08.2026