



2026:KER:13291

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

MONDAY, THE 16TH DAY OF FEBRUARY 2026 / 27TH MAGHA, 1947

MAT.APPEAL NO. 1007 OF 2015

AGAINST THE ORDER DATED 30/05/2015 IN O.P. NO.1944 OF 2012
OF FAMILY COURT, THRISSUR

APPELLANTS/RESPONDENTS IN O.P.:

- 1 NISHAD
S/O.THARYIL VEETIL UMMER, MARUTHAYUR DESOM, PAVARATTY
VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT.
- 2 AMINAKUUTTY
NALAKATH THIRUTHYKKATTU, D/O.KATHER, MARUTHAYUR DESOM,
PAVARATTY VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT.

BY ADVS.
SRI.K.M.JAMALUDHEEN
SRI.JOBY VARGHESE
SMT.LATHA PRABHAKARAN

RESPONDENT/PETITIONER IN O.P.:

MUMTHAZ BEEGUM
D/O.RAYAMAMARACKKAR VEETIL ABDUL RAHIMAN, EDASSERY
DESOM, THALIKKULAM VILLAGE, CHAVAKKAD TALUK, THRISSUR
DISTRICT-680507.

BY ADV SHRI.K.I.SAGEER

THIS MATRIMONIAL APPEAL HAVING COME UP FOR HEARING ON
11.02.2026, ALONG WITH MAT.APPEAL NO.1013/2015 & R.P.(FC)NO.
221/2016, THE COURT ON 16.02.2026 DELIVERED THE FOLLOWING:



2026:KER:13291

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

MONDAY, THE 16TH DAY OF FEBRUARY 2026 / 27TH MAGHA, 1947

MAT.APPEAL NO. 1013 OF 2015

AGAINST THE ORDER DATED 30.05.2015 IN OP NO.1171 OF 2012
OF FAMILY COURT, THRISSUR

APPELLANT/PETITIONER IN O.P.:

NISHAD
S/O.NALAKATHU THIRUTHYKATTU AMINAKUTTY, MARUTHAYUR
DESOM, PAVARATTY VILLAGE, CHAVAKKAD TALUK, THRISSUR
DISTRICT

BY ADVS.
SRI.K.M.JAMALUDHEEN
SRI.JOBY VARGHESE
SMT.LATHA PRABHAKARAN

RESPONDENTS/RESPONDENTS IN O.P.:

1 MUMTHAZ BEEGUM
D/O.RAYAMAMARACKKAR VEETIL ABDUL RAHIMAN, EDASSERY
DESOM, THALIKKUKLAM VILLAGE, CHAVAKKAD TALUK, THRISSUR
DISTRICT 680507

2 ABDUL RAHIMAN
RAYAMAMARACKKAR VEETIL, EDASSERY DESOM, THALIKKUKLAM
VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT 680507

BY ADV SHRI.K.I.SAGEER

THIS MATRIMONIAL APPEAL HAVING COME UP FOR HEARING ON
16.02.2026, ALONG WITH MAT.APPEAL NO.1007/2015 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SATHISH NINAN

&

THE HONOURABLE MR. JUSTICE P. KRISHNA KUMAR

MONDAY, THE 16TH DAY OF FEBRUARY 2026 / 27TH MAGHA, 1947

RPFC NO. 221 OF 2016

AGAINST THE ORDER DATED 30.05.2015 IN MC NO.683 OF 2012 OF
FAMILY COURT, THRISSUR

REVISION PETITIONER/RESPONDENT IN M.C.:

NISHAD

S/O THARYIL VEETIL UMMER, MARUTHAYUR DESOM, PAVARATTY
VILLAGE, CHAVAKKAD TALUK, THRISSUR DISTRICT

BY ADVS.

SRI.K.M.JAMALUDHEEN

SMT.LATHA PRABHAKARAN

RESPONDENT/PETITIONER IN M.C.:

MUMTHAZ BEEGUM

D/O RAYAMAMARACKKAR VEETIL ABDUL RAHIMAN, EDASSERY
DESOM, THALIKKULAM VILLAGE, CHAVAKKAD TALUK, THRISSUR
DISTRICT-680 507

BY ADV SHRI.K.I.SAGEER

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR HEARING
ON 11.02.2026, ALONG WITH MAT.APPEAL NO.1007/2015 AND CONNECTED
CASES, THE COURT ON 16.02.2026 DELIVERED THE FOLLOWING:



SATHISH NINAN & P. KRISHNA KUMAR, JJ.

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**Mat.Appeal Nos.1007/2015, 1013/2015 &
R.P.(FC)No.221/2016**

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Dated this the 16th day of February, 2026

JUDGMENT

P.Krishna Kumar, J.

The above appeals and the revision petition arise from the common order passed by the Family Court, Thrissur in O.P. No.1171/2012, O.P. No.1944/2012 and M.C. No.683/2012. The appellant is the husband of Mumtaz Beegum, who is one of the respondents in the above proceedings. O.P. No.1944/2012 was filed by Mumtaz Beegum (hereinafter referred to as “the respondent”) seeking return of money and gold, as well as past maintenance. M.C. No.683/2012 was instituted by the respondent claiming future maintenance. O.P. No.1171/2012 was filed by the appellant seeking return of gold ornaments and money allegedly given by him to his wife, the respondent.

2. By the impugned common order, the trial court



dismissed O.P. No.1171/2012 and allowed O.P. No.1944/2012, thereby directing the appellant to return 40 sovereigns of gold ornaments, the petition schedule household articles, and Rs.50,000/- to the respondent. The court also awarded past and future maintenance to her at the rate of Rs.4,000/- per month.

3. The brief facts necessary for the disposal of the above appeals and the revision petition are as follows: The marriage between the appellant and the respondent was solemnised on 11.08.1999. The respondent contended that at the time of marriage she was given 45 sovereigns of gold ornaments and Rs.50,000/- by her parents. When she went to the matrimonial home, she was provided with household articles worth Rs.30,000/-. Out of the said gold ornaments, 40 sovereigns were allegedly taken by the appellant and his mother, who held the same in trust. It is further alleged that the ornaments were sold for the purpose of purchasing an autorickshaw for the appellant and for constructing a residential building. After the marriage, the respondent entrusted Rs.50,000/- with the appellant.



4. The respondent further contended that owing to the ill-treatment meted out to her by the appellant, she was compelled to leave the matrimonial home, and that she is therefore entitled to recover the gold ornaments, money and household articles. She also claimed past and future maintenance on the ground that she is unable to maintain herself and that the appellant has sufficient means to provide the amount sought.

5. These allegations were denied by the appellant. According to him, no gold ornaments or money were given to him by the respondent. He denied misappropriating either the money or the gold ornaments and refuted all allegations raised against him. He further set up a claim that he is entitled to recover 16 sovereigns of gold ornaments and Rs.5,00,000/- allegedly given by him to the respondent. The appellant also denied his liability to pay maintenance.

6. The evidence in this case consists of the oral testimony of PW1 to PW3 and RW1 and RW2, together with documentary evidence marked as Exts.A1 to A5 and B1



series to B4.

7. We have heard the learned counsel appearing on both sides.

8. The first question that arises for consideration is whether the respondent is entitled to recover gold ornaments and money as ordered by the trial court from the appellant and his mother.

9. According to the respondent, she possessed 45 sovereigns of gold ornaments at the time of her marriage and entrusted the entire ornaments to the appellant and his mother soon thereafter. She was examined before the court and deposed consistently with her claim. The appellant, however, contended that the respondent did not possess all the ornaments listed in the petition. In the counter statement, it is stated as follows:

‘ഹരജി പട്ടികയിൽ ചേർത്ത സ്വർണ്ണാഭരണങ്ങളുടെ ലിസ്റ്റ് ശരിയല്ല. അപ്രകാരം സ്വർണ്ണാഭരണങ്ങൾ ഹരജിക്കാരിക്കു ലഭിച്ചിട്ടില്ല. പട്ടികയിൽ ചേർത്ത പ്രകാരം അരപ്പട്ട, തടവള, മാട്ടി എന്നിവ ഹരജിക്കാരിക്കുണ്ടായിട്ടില്ല. വിവാഹ സമയം ടിയാരി അണിഞ്ഞിരുന്ന അരപ്പട്ട, തടവള, മാട്ടി, ഒറ്റവള എന്നിവ മൂക്കുപണ്ടമാണ്. വിവാഹ ചടങ്ങ്



മോടി കൂട്ടുന്നതിന് വേണ്ടിയാണ് അപ്രകാരം അണിഞ്ഞതെന്ന് ഹരജിക്കാരി പറഞ്ഞിട്ടുള്ളതുമാണ്. പട്ടികയിൽ കാണിച്ച 40 ഗ്രാം വരുന്ന വലിയമാല എതുകക്ഷി അണിയിച്ച താലിമാലയാണ്. പട്ടികയിൽ ചേർത്ത ശേഷം സ്വർണ്ണാഭരണങ്ങൾ ടിയാരി കൈവശത്തിൽ ഇപ്പോഴും ഉള്ളതാണ്.'

From the above, it is evident that the appellant does not seriously dispute the quantity of gold ornaments worn by the respondent at the time of marriage. His contention is confined to the correctness of the list, the inclusion of ornaments allegedly given by him, and the assertion that some ornaments worn by her were not genuine gold. During cross-examination, the appellant admitted that at the time of marriage he was working as a coolie and earning only Rs.150/- to Rs.250/- per day. He also admitted that the respondent's father was employed abroad at that time.

10. On the other hand, RW1 (the respondent) gave evidence consistent with her pleadings and withstood cross-examination satisfactorily. She also produced Ext.B1 series photographs showing the ornaments worn by her at the time of marriage. In the above factual background, we find no reason to disbelieve the respondent's version that she had at least 40 sovereigns of gold ornaments, which is supported by other



oral evidence adduced on her side. At the same time, having regard to the appellant's financial position at the time of marriage, we are unable to accept his version that the ornaments worn by the respondent included gold given by him.

11. It is a matter of common knowledge that, upon reaching the matrimonial home after marriage, a bride may not be in a position to retain all her gold ornaments in her personal custody. Ordinarily, such ornaments are entrusted to the husband or his close relatives for safe keeping. Taking into account the attendant circumstances of the case, we find that the respondent's evidence that her gold ornaments were entrusted to the appellant and his mother is probable.

12. At the same time, we find no justification to impose liability upon the second respondent in O.P. No.1944/2012, namely the appellant's mother. There is no convincing evidence to show that she was directly involved in the misappropriation of the ornaments or money. In her proof affidavit, the respondent merely stated that the appellant's



mother supported him in his alleged misdeeds. Further, even according to the respondent, the gold was utilised for purchasing an autorickshaw for the appellant and for similar purposes.

13. With regard to the claim for Rs.50,000/- and the household articles, we find no material on record to discredit the evidence adduced by the respondent. The trial court, having had the advantage of observing the demeanour of the witnesses, found her evidence more credible than that of the appellant in this regard. In the circumstances, we see no reason to interfere with the findings of the trial court to that extent.

14. As already found, the appellant's claim that he had given 16 sovereigns of gold ornaments or Rs.5,00,000/- to the respondent is not convincing. His evidence does not establish that he had sufficient financial means to mobilise such funds prior to the marriage. The findings of the trial court rejecting the said claim therefore warrant no interference.



15. The trial court has awarded only Rs.4,000/- per month towards past and future maintenance. We find no reason to interfere with the said award, which appears to be fair and reasonable, particularly in view of the appellant's admission that he had worked abroad after the marriage.

In the result, Mat.Appeal No.1007/2015 is allowed in part. The second respondent in O.P.No.1944/2012 is exonerated from any liabilities arising under the decree. The decree is modified to the above extent. Other directions in the decree remain unaltered. Mat.Appeal No.1013/2015 and R.P.(FC) No.221/2016 are dismissed. No costs.

Sd/-

SATHISH NINAN

JUDGE

Sd/-

P. KRISHNA KUMAR

JUDGE