



Family mediation dowry dispute case study

Family mediation, Parminder and Sunita had an arranged marriage, although they had met each other a few times and had a handful of dates they never really got to know one another and were swept away by family and cultural pressures to get married and hope for the best as had been the case with their parent's generation.

Having been married for around eight months it was obvious they had entered into marriage very lightly and had not considered their compatibility or lack of, equally Sunita and her family had been less than honest about certain issues which had Parminder and his family had known prior to the marriage there is no way he would have got involved with her or her family, these certain issues had come to his attention after the marriage and were the subject of daily arguing. It was clear the marriage was not going to work and both decided that divorce was the best option for them, Sunita left Parminder and went back to live with her parents.

A few months passed and Sunita's parents contacted Parminder's parents and stated we spent nearly £65,000 on our daughter's wedding, we want certain gifts back including money spent on the wedding, Parminder's parent's laughed this off stating we also spent money on this wedding, which would not have even happened if you had been honest with us, so if anything you owe us, not the other way round.

A few weeks passed by and Parminder received a letter from Sunita's solicitor identifying a large list of items that the parents wanted returned, equally whereby items could not be returned as they had been used they wanted the money instead. Furious Parminder instructed solicitors who threatened to make a counter claim should an action be brought, highlighting the element of misrepresentation inducing Parminder into the marriage.

Just before formal proceedings were instigated, the parties agreed to mediate. Neither side was going to back down; whatever argument one side brought it was extinguished by the other side with a better argument and defence.

Quite clearly this was more a dispute over honour, and what the Sikh community thought about the families and what had happened rather than the money per se it was clear to the mediator that the Parminder and Sunita were being sidetracked about what their families wanted rather than what they wanted, the mediator took them both to one side and spoke to them about their needs and what had happened.

They both advised that this was being fuelled by their parents and although their parents were out of pocket, they both were, certain gifts could be returned such as jewellery and various household appliances; however the dishonesty issues also needed to be taken into account and needed to be discounted from any settlement agreed.

Speaking to the parties individually key issues of importance were drawn up, issues which were negotiable, could be discounted and issues where there was no room for negotiation.

Eventually a deal was done, unused gifts totalling £24,000 and jewellery totalling £18,000 would be returned to the respective parties, as for gifts of money both sides were more or less even on the gifts of money that they had given to the other and therefore this alongside we spent this on the wedding and so forth cancelled each other out, taking into account how a Judge would view the issues of dishonesty. Parminder contended he felt he had a good case and ideally a Judge would not ask him to return anything, however as he had no need for these gifts he would return them, Sunita equally did not want the jewellery she and her family were given and therefore was more than willing to return it, but did want back the jewellery she had given to Parminder and his family, which was finally agreed.

Facts & figures

- **The mediation took 1 day compared to the 16 months this family dispute had already gone on.**
- **The mediation cost each party £500.00 each compared to the thousands they had already spent on legal fees and the thousands they would have had to spend had they continued with Court action.**