[Cite as *Dwivedi v. Ojha*, 2025-Ohio-5036.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
ATHENS COUNTY

HARSH DWIVEDI,	:	
	:	Case No. 24CA32
Plaintiff-Appellee,	:	
	:	
v.	:	DECISION AND JUDGMENT ENTRY
	:	
NIDHI OJHA,	:	
	:	
Defendant-Appellant.	:	**RELEASED: 10/28/2025**

APPEARANCES:

Gregg R. Lewis, Columbus, Ohio, for appellant.

Susan L. Gwinn, Athens, Ohio, for appellee.

Wilkin, J.

{¶1} Nidhi Ojha (Wife) appeals the trial court's decision of the Athens County Court of Common Pleas, Domestic Relations Division, in which the trial court granted both Wife and Harsh Dwivedi (Husband) a divorce. Wife presents one assignment of error alleging the trial court abused its discretion in valuing certain items of personal property as $23,245.00 when its true value was $94,168.31, and the trial court further abused its discretion by not ordering Husband to return said items to her or compensate her for their value. We find the trial court acted within its discretion in valuing the personal property and directing Husband to aid in the return of those items. Accordingly, we overrule Wife's assignment of error and affirm the trial court's judgment.

FACTS AND PROCEDURAL BACKGROUND

{¶2} Husband and Wife were married in India and then again in Athens, Ohio, on December 31, 2019. There were no children born of the marriage. Both parties were born in India and are of Indian descent. Husband resided in the United States since 2003, served in the United States military and became a citizen in 2018. At the time of marriage, Husband was working as a pharmacist in the United States.

{¶3} Wife was not a United States citizen and was residing in India when Husband travelled there to get married. Wife and Husband had little contact prior to their marriage. During their wedding in India, family gave gifts of jewelry and cash, in keeping with Indian custom.

{¶4} Wife obtained a visa allowing her to reside in the United States and moved here with Husband, where they got married again in Athens, Ohio. Shortly after marrying in the United States and residing together, the parties separated in April 2021. They remained living separate and apart when Husband filed for divorce on May 25, 2023. Wife filed an answer and counterclaim on August 7, 2023. At the final hearing, the parties agreed and stipulated that they had been living separate and apart for more than one year. Their only disputed issues were Wife's request for "wedding jewelry," as set forth in her Exhibit H, or compensation for her jewelry, spousal support and attorney fees.

{¶5} During Husband's direct examination, he testified about the Indian customs with wedding jewelry. He explained that both families contribute jewelry as part of the wedding customs, typically with the groom's family giving more gold. When the parties left India to travel back to the United States, Husband testified that Wife took only a limited amount of jewelry with her. The remaining jewelry was either taken back by Wife's parents or were left at Husband's parents' home. Husband stated that all jewelry taken to the United States was removed by Wife when she left in April of 2021. Husband said he has no jewelry in his possession and he does not like and/or wear any jewelry. Husband further indicated that Wife flew to India and filed a case against his parents, and, that as a result, his parents provided a list of all the jewelry that they had in their possession and that they "are more than willing to give it to her family[.]" Husband stated that he did not know the value of the jewelry left in India but he was willing to let Wife have it.

{¶6} Additionally, Husband was asked by his attorney to look at Wife's Exhibit H.[1] Exhibit H consists of three tables setting forth items of personal property (namely jewelry) that wife argues is her separate property and is in the possession of Husband and/or his family in India. Exhibit H contains the following three tables:

Gold Ornaments & Gold Given to [Wife] in her Wedding
(Given By Parents, Relatives & Friends)

S	Item	Qty	Weight
1	Tika	1 No.	6.140 Grm
2	Bangles	4 No.	47.060 Grm
3	Chain (2) & Chain with pendent	3 No.	33.240 Grm
4	Tops	1 Set	2.920 Grm
5	Rings	4 No.	17.050 Grm
6	Bangles	2 No.	37.390 Grm
7	Ring	1 No.	2.180 Grm
8	Ring	1 No.	4.270 Grm
9	Necklace	1 No.	9.980 Grm
10	Ring	1 No.	7.150 Grm
11	Drop Earring	1 Set	7.680 Grm

[1] Wife's Exhibit H is also attached to the Magistrate's Decision as Exhibit 1. For purposes of this appeal, we refer to the exhibit as "Exhibit H."

12	Drop Earring	1 Set	4.698 Grm
13	Bracelet	1 No.	9.261 Grm
14	Ring	5 No.	28.87 Grm
15	Chain	1 No.	15.730 Grm
16	Earring & Pendent Set	1 Set	10.036 Grm
17	Bapi Set	1 Set	40.212 Grm
18	Stud Earring	1 Set	2.943 Grm
19	Necklace Set (Estimated Weight)	2 Set	80.000 Grm
20	Mangal Sutra (Estimated Weight)	1 No.	30.000 Grm
21	Lock Chain Tops (Estimated Weight)	1 Set	30.000 Grm
22	Chain (Estimated Weight)	1 No.	30.000 Grm
23	Bangles (Estimated Weight)	8 No.	100.00 Grm
24	Sold Gold (Biscuit)	1 No.	200.000 Grm
	TOTAL WEIGHT		**756.810 Grm**

<u>Silver Ornaments, Silver & Silver Articles Given to [Wife] in her Wedding (Given by Parents, Relatives & Friends)</u>

S	Item	Qty	Weight
1	Rings	7 No.	29 Grm
2	Anklet	3 Set	270 Grm
3	Silver Article – Idol	1 No.	70 Grm
4	Solid Silver	2 No.	1000 Grm
5	Silver Plate 1 & Silver Glass 2	3 No.	210 Grm
6	Silver Tray 1, 2 Glass, 1 Jug	4 No.	915 Grm
7	Puja Vessel & Thali	5 No.	423 Grm
8	Silver Tray & 4 Bowls	5 No.	623 Grm
9	Silver Glass	4 No.	233 Grm
10	Silver Coins	11 No.	480 Grm
11	Bowl	4 No.	460 Grm
12	Silver Coconut	1 No.	100 Grm
	TOTAL WEIGHT		**4813 Grm**

<u>Cash (INR) & House Hold Goods, Cloths, etc., gifted to [Wife's] in her Wedding (Given by Parents)</u>

S	Item	Value
1	INR Rs.	15,00,000/-
2	EVOK Brand Furniture & Fixtures	1,79,385/-
3	Other Household items & Clothes etc.	2,50,000/-
	TOTAL INR	**19,29,385/-**

{¶7} Husband emphasized that he cannot vouch for the contents or authenticity of Exhibit H. He specifically states "I have no clue if this is real, or if this is made up, or I have no way of telling or identifying that is exactly what they or my family donated because I have nothing to, or I have never even looked at any of that."

{¶8} Wife on direct examination identified Exhibit H as the "jewelry list." She testified that Exhibit H is a list of jewelry that was given to her "by my family, by my parents as a gift ah during the marriage ceremony." She contends that all the items listed in Exhibit H "are with [Husband], ah or his family. I don't know whether it's with [Husband] now, or it's with his family, but they have all these items."

{¶9} On cross-examination, Wife is asked how much she believes the wedding jewelry that Husband's parents have is worth. Wife responded by stating "it's in the list if you can check. All the thing is in the list." The magistrate confirms the list is Exhibit H. Then wife estimates "It's around (inaudible) ah ah fifty (50) (inaudible) something in between." Husband then interjects and says "she's giving you answers in Indian currency." Wife agrees that she is giving her responses in Indian currency and she indicates that she would have to convert it to US currency.

{¶10} On the record, the magistrate indicated that the total INR that Wife had listed at the bottom of Exhibit H is 19,29,385. Husband indicated that this was approximately $24,000. Wife responds "Yeah, so this is just for the jewelry, plus some cash is also there." The magistrate responded by indicating that this amount (19,29,385 INR) "includes furniture and fixtures. I mean that value, the three (3) things that it's composed of is INR[.]" Husband answers "Correct" and Wife responds with "Yeah." The magistrate then read aloud the three bottom figures listed on Exhibit H, specifically 15,00,000, 1,79,385, and 2,50,000 for a total INR of 19,29,385 Rupees. Husband then informs the court that the "The current rate is eighty-three (83) Rupees per dollar[,]" and when you convert 19,29,385 Rupees to US dollars it equates to $23,245.00. The Wife responds to this conversion by stating "And apart from *** this all jewelry things and odd stuff, cash is also there with them."

{¶11} Wife then clarifies for the record that the items listed in Exhibit H are not in her possession and she repeats that she does not know if they are in Husband's or his parents' possession, only that she does not have them. Wife further clarifies for the magistrate that she wants the jewelry, hence her reasoning for flying to India to engage the police in the retrieval of said items. Again, wife reiterates that she wants "all the cash, all the things back for sure."

{¶12} When Wife was further asked on cross examination if the gifts of cash and such were gifts to both her and husband. She responded by stating "No, they were gifts, no not. They were gifts, gifts to me. Not to him. It's mine, every jewelry it's mine." She further clarifies that cash was given to her husband's parents, saying, "yeah to his parents and him, we have given the cash. And jewelry, ah to me."

{¶13} Both parties rested their case, waiving closing arguments and the magistrate issued her decision on May 14, 2024. The Magistrate's Decision determined that the parties had been living separate and apart, without cohabitation, for more than one year and thus recommended they be granted a divorce on said grounds. The magistrate found that based on the parties' testimony "that the 'wedding jewelry' requested by [Wife] was intended as a wedding gift to [Wife], individually, thereby making the 'wedding jewelry' [Wife's] separate property." Therefore, the magistrate awarded the items set forth in Wife's Exhibit H, valued at $23,245, as her separate property. The magistrate further recommended that Husband assist Wife in retrieving said items of personal property that are held by his parents.

{¶14} Wife filed objections to the Magistrate's Decision, arguing that the magistrate's valuation of the jewelry, cash, and other ornaments, which was set at $23,245.00, had an actual value of $94,168.31. Wife also objected to the Magistrate's Decision regarding attorney fees.

{¶15} Husband responded to Wife's objections by arguing that the valuation of the jewelry gifted during the wedding was reasonable and the only viable option, as the court used the valuation provided by Wife herself, which was $23,245. Further, Husband maintains that due to the involvement of Indian customs and the fact that most witnesses are in India, the magistrate's order for Husband to assist Wife in acquiring the jewelry is reasonable.

{¶16} On August 29, 2024, the trial court issued a "Decision on Objections; Judgment; Final Appealable Order." The court conducted an independent review, as required by Civ.R. 53(D)(4)(d), and found "no error of law or other defect on the face of the Magistrate's Decision" and concluded that the magistrate "properly determined the factual issues and appropriately applied the law." As a result, the court overruled all of Wife's objections, adopted the magistrate's findings and conclusions, and entered judgment accordingly.

{¶17} It is from this judgment of decree that Wife appeals.

ASSIGNMENT OF ERROR

I. The trial court erred and abused its discretion when it valued the items in its Exhibit 1 (Defendant's Exhibit H) as $23,245.00 when in reality the jewelry items, cash, and other ornaments are worth $94,168.31 and did not order Plaintiff/Appellee to return these items to Defendant/Appellant or compensate for the value.

{¶18} Wife's sole assignment of error is that the trial court erred and abused its discretion by valuing certain property items (including jewelry, cash, and ornaments) listed in Exhibit 1, which was attached to the Magistrate's Decision (Wife's Exhibit H) at $23,245.00. She contends the true value is $94,168.31, as supported by her testimony and exhibits at trial. Wife further asserts that the court failed to order Husband either to return these items to her or to compensate her for their actual value. She argues that this decision was unreasonable, arbitrary, and unconscionable, and requests that we find the trial court's decision to be against the manifest weight of the evidence and sustain her assignment of error.

{¶19} Husband responds by pointing out that the trial court's use of the $23,245 figure directly reflects the valuation provided by Wife during her own testimony. Choosing Wife's own valuation cannot reasonably meet the threshold for abuse of discretion.

{¶20} Further, Husband notes the factual disputes between the parties about the amount and location of jewelry (how much was in India versus the United States, and who retained possession after the separation) and, thus, maintains that the trial court's resolution in providing an amount and ordering Husband to assist in the return of personal property items is reasonable.

LAW AND ANALYSIS

{¶21} " 'When a trial court grants a divorce, the court must determine what constitutes the parties' marital property and what constitutes their separate property.' " *Thompson v. Thompson*, 2024-Ohio-2147, ¶ 33 (4th Dist.), quoting *Evans v. Evans*, 2014-Ohio-4450, ¶ 26 (4th Dist.), citing *Barkley v. Barkley*, 119 Ohio App.3d 155 (4th Dist. 1997); R.C. 3105.171(B). "Before a trial court can distribute property, the court must value that property. Indeed, a trial court must place a monetary value on every contested asset of the parties in a divorce proceeding." *Burriss v. Burriss*, 2010-Ohio-6116, ¶ 27 (4th Dist.), citing *Knight v. Knight*, 2000 WL 426167 (4th Dist. Apr. 12, 2000). And because "the trial court's characterization of the parties' property involves a factual inquiry[,]" we "review such determinations under the standard of manifest weight of the evidence." *Id*. at ¶ 31, citing *Barkley* at 159; *Wylie v. Wylie*, 1996 WL 292044 (4th Dist. May 30, 1996).

{¶21} The civil manifest weight standard of review is the same standard that is applied in criminal cases. *See Eastley v. Volkman*, 2012-Ohio-2179, ¶ 17. Thus, we must review the entire record, weigh the evidence and all reasonable inferences, consider the credibility of witnesses and determine whether in resolving conflicts in the evidence, the trier of fact clearly lost its way and created such a manifest miscarriage of justice warranting reversal. *Douglas v. Boughton*, 2014-Ohio-808, ¶ 19 (4th Dist.). "Judgments supported by some competent, credible evidence going to all the essential elements of the case will not be reversed by a reviewing court as being against the manifest weight of the evidence." *C.E. Morris Co. v. Foley Const. Co.*, 54 Ohio St.2d 279 (1978), syllabus. "This standard of review is highly deferential and even "some" evidence is sufficient to sustain the judgment and to prevent a reversal." *Smith v. Smith*, 2019-Ohio-899, ¶ 44 (4th Dist.), citing *Barkley* at 159.

{¶23} We are also mindful that

> "Trial courts enjoy broad discretion when dividing marital property in a divorce proceeding." *Jenkins v. Jenkins*, 4th Dist. Highland No. 19CA19, 2021-Ohio-153, ¶ 32, citing *Holcomb v. Holcomb*, 44 Ohio St.3d 128, 131, 541 N.E.2d 597 (1989). Therefore, "an appellate court will not reverse a trial court's decision regarding the allocation of marital property absent an abuse of that discretion." *Id*., citing *Elliott v. Elliott*, 4th Dist. Ross No. 05CA2823, 2005-Ohio-5405, ¶ 17.

Thompson at ¶ 62.

{¶24} An abuse of discretion "is more than a mere error of law or judgment; it implies that a trial court's decision was unreasonable, arbitrary or unconscionable." *State v. Martin*, 2017-Ohio-7556, ¶ 27, citing *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219 (1983).

{¶25} Wife first contends that the trial court erred and abused its discretion when it valued the items in Exhibit H as $23,245.00 when in reality they were worth $94,168.31. After reviewing Exhibit H, and the transcript of the final hearing, it is this court's determination that the trial court did the best it could with the evidence presented, and, thus, did not abuse it discretion in valuing the items listed in Exhibit H as $23,245.

{¶26} Exhibit H was initially introduced into evidence through Husband's testimony; however, it was Wife's exhibit. Husband could not testify to its authenticity. Wife then reviewed Exhibit H; however, she never indicated whether she put this list together or someone else. But she made it clear that all the items listed on the exhibit were her separate property and were either in the possession of Husband and/or his family. Wife further agreed that $23,245 was the proper amount for "all jewelry things and odd stuff" but she claimed there was also cash. Then she testified that cash was given to Husband and his family and jewelry to her. Because we find that Wife agreed that $23,245 was the proper amount for "all jewelry things and odd stuff" and that all cash was gifts to Husband, there is some competent, credible evidence to support the trial court's $23,245 valuation. Additionally, we find no evidence supporting a $94,168.31 valuation as Wife claims in her brief.

{¶27} Even if the trial court's valuation was not proper, we determine that given the circumstances of this case, a valuation of the separate property listed in Exhibit H is not necessary. The magistrate "awarded the items set forth on [Wife's] Exhibit H as her separate property, free and clear from any claim of [Husband,]" and Husband does not contest this determination. Therefore, because there was no argument that the personal property items listed in Exhibit H were commingled or that this property increased in value during the marriage, we find that a valuation of said separate property would be meaningless.

{¶28} Additionally, in our view, the trial court did not act unreasonably in ordering the Husband to assist in the retrieval of the items listed in Exhibit H as opposed to ordering him to return the items and/or compensate Wife for the same. Overwhelming evidence suggest that the personal property items listed in Exhibit H are not even located in the United States and are not in possession of either party to this case. In fact, Wife testified that she flew to India to engage the police in assisting her with the retrieval of her property from Husband's parents; suggesting it was in their possession. Further, Husband testified that Wife took all jewelry with her that she brought to the United States. Husband's two witnesses further corroborated his testimony that there was no jewelry in the parties' home in Athens County, Ohio. Thus, ordering Husband to return items that are not even in his possession and ultimately under the authority of the India Police would seem unreasonable given the circumstances.

{¶29} In conclusion, we find that the trial court did not abuse its discretion, and; therefore, affirm the judgment entry of divorce.

JUDGMENT AFFIRMED.

JUDGMENT ENTRY

It is ordered that the JUDGMENT IS AFFIRMED and appellant shall pay the costs.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Athens County Common Pleas Court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

Smith, P.J. and Hess, J.: Concur in Judgment and Opinion.

For the Court,

BY: ______________________________
Kristy S. Wilkin, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.