

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.3583 of 2015

and

M.P.No.1 of 2015

Mrs.R.Saranya

W/o.Ranjith Gowdhaman

... Petitioner

vs

Mr.G.Ranjith Gowdhaman

S/o.M.Gowdhaman

... Respondent

Civil Revision Petition filed under Section 227 of the Constitution of India against the Judgment and Decretal Order dated 29.06.2015 made in I.A.No.602 of 2014 in H.M.O.P.No.478 of 2013 on the file of the Hon'ble Subordinate Judge at Tambaram.

For Petitioner : Mr.N.Kavitha Rameshwar
For Respondent : Mr.S.Kumaresan

ORDER

This revision arises against order of learned Subordinate Judge, Tambaram, passed in I.A.No.602 of 2014 in H.M.O.P.No.478 of 2013 on 29.06.2015.

2. Heard learned counsel for petitioner and learned counsel for respondent.

3. It is brought to the notice that during the pendency of the present Civil Revision Petition, the case in H.M.O.P.No.478 of 2013, an action moved by the respondent for restitution of conjugal rights, was dismissed for default and a petition seeking restoration of the same is pending.

4.Learned counsel for the petitioner, relying on certain judgments, submits that rights in respect of properties held either individually or jointly by the parties may be determined under Section 27 of the Hindu Marriage Act. It is her contention that even while passing an order of dismissal for default, the Court below still could have passed an order determining the rights of the petitioner under section 27 of the Act. It is the contention of learned counsel for petitioner that the dismissed for default would not stand in the way of this Court passing an order on merits in the present case.

5.Learned counsel for the petitioner submitted that in the counter filed in the present petition, the respondent has not denied his holding jewellery

belonging to the petitioner.

6. Learned counsel for the respondent submits that it is not necessary for this Court to go through the counter filed before the Court below.

7. In the instant case, it is the contention of the petitioner that jewellery belonging to her are held by the respondent / husband while it is the contention of the respondent/ husband that such was not the case and that petitioner had taken away her belongings. In such circumstances, this Court finds no error in the order Court below informing that any order presently made on the petition before it will not help reunion of the parties. It would be open to Court below to decide upon the issue in keeping with Sec. 27 of the Hindu Marriage Act should situation demand.

The Civil Revision Petition, accordingly, is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

15.06.2016.

Index:yes/no
Internet:yes
nvi

To

The Subordinate Judge, Tambaram

C.T.SELVAM, J
nvi/kpr

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