

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR(F)-288-2017 (O&M)

Date of decision: 5.9.2017

Smt.Hema

...Petitioner

Versus

Chhotu Ram Dhattarwal

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.DPS Bajwa, Advocate for the petitioner

JITENDRA CHAUHAN, J.

The present revision petition is directed filed against the order dated 18.1.2017, passed by learned District Judge, Family Court, Hisar vide which, the petition filed under Section 27 of the Hindu Marriage Act, 1955 (for short 'Act 1955') had been dismissed.

It is contended by learned counsel for the petitioner that the learned trial Court committed error in dismissing the application on the ground of maintainability. He refers to Section 27 of the Act 1955 to contend that the application is maintainable before the learned Trial Court. He further contends that the family of the petitioner had spent a huge amount on the marriage of the petitioner and gave sufficient dowry to the respondent and his family. The dowry articles including cash, jewellery and other household articles are still with the respondent. In support of his submissions, learned counsel relies upon **Krishna**

Bhattacharjee vs. Sarathi Choudhury and another 2016(1) R.C.R. (Criminal), 152 (SC).

Heard.

Admittedly, the marriage of the petitioner and the respondent was solemnized on 17.4.1998. Due to temperamental differences, the petitioner filed a petition under Section 13 of the Hindu Marriage Act and learned Additional District Judge, Hisar vide judgment dated 6.1.2003 passed a decree of divorce in favour of the petitioner. After a delay of more than 10 years, the petitioner had filed the present application for directing the respondent to return Istridhan articles to her.

Section 27 of the Act 1955 reads as under:

“27.Disposal of property.- In any proceeding under this Act, the court may make such provisions in the decree as it deems just and proper with respect to any property presented, at or about the time of marriage, which may belong jointly to both the husband and the wife.”

A bare perusal of the aforesaid provision reveals that during the proceedings under the Act 1955, such kind of petition under Section 27 of the Act 1955 can be entertained but no separate order as such is contemplated by the Act 1955 on an independent application filed under Section 27 of the Act 1955. Moreover, after getting a decree of divorce, the petitioner kept mum for a long time.

Learned trial Court after discussing a catena of judgments

has rightly dismissed the application of the petitioner and the same does not warrant interference by this Court.

Apparently the facts of the present case are distinguishable from the facts of the case relied upon by learned counsel for the petitioner.

Finding no merit in the present petition, the same is hereby dismissed.

Since, the main revision petition has already been dismissed and there are no plausible reasons on record to condone the unexplained delay of 95 days in filing the revision petition, the application for condonation of delay also stands dismissed.

5.9.2017
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No