

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2019

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP.(PD)No.427 of 2019

and

CMP.No.2881 of 2019

P. Sinduja

...Petitioner

Vs

B. Saravanakumar

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside fair and decretal order passed by the Principal Subordinate Judge, Vellore dated 23.01.2019 passed in I.A.No.8 of 2018 in HMOP.No.54 of 2013 and to direct the respondent/respondent to return the 75 sovereigns of gold jewels, Rs.5,00,000/- (five Lakhs) dowry, Rs.5,00,000/- (Rupees Five Lakhs) for purchase of Car 11 Silver Articles and all other household articles to the petitioner.

For Petitioner : Mr. P.Sinduja -party in person

For Respondent : Mr. C. Prabakaran for
Mr. G. Vinodh Kumar

ORDER

The Civil Revision Petition has been filed by the Petitioner/wife under section 27 of the Hindu Marriage Act with a prayer to direct the respondent to return the 75 sovereign of gold

jewels which her parents had given her at the time of marriage and the sum of Rs.5,00,000/- which has been given as dowry. Though the petitioner had filed the documents to show that just prior to the wedding, jewellery had been purchased for her, the same is not reflected in the order passed by the learned Principal Subordinate Judge, Vellore. The petitioner/wife has produced a document dated 10.01.2012, which is a document that she has received in response to a RTI query in which there is a handwritten signed letter of the respondent/husband clearly admitting the payment of the sum of Rs.5,00,000/- and the receipt of 75 sovereigns gold jewellery given to the wife. In his letter he has stated that the household articles, 75 sovereigns of gold jewellery, Rs.5,00,000/- towards marriage expenses are all kept safe in his father's house at Bargur. Though the learned counsel would feebly submit that this document was obtained under coercion till date. The document of the year 2012 has not been questioned by the respondent/husband which clearly shows that the said letter has been voluntarily executed by the respondent/husband.

2. This letter has been addressed to the Sub Inspector, All Womens Police Station, Ranipet. This document has not been referred by the learned Judge in the impugned order. Be that as it may, the husband undertakes to deposit a sum of Rs.5,00,000/-

(Rupees five lakhs only) within a period of two (2) weeks from today to the credit of the HMOP.No.54 of 2013.

3. The learned Principal Subordinate Judge, Vellore while considering the HMOP shall take into account this letter dated 10.01.2012 which has been marked as part of the series contained in the RTI reply marked as Ex.P2 and give an opportunity to the wife to cross examine the respondent/husband with reference to these documents. Civil Revision Petition is disposed of with the above direction. The HMOP will be disposed of within a period of three (3) months from today. The husband shall submit himself to cross examination failing which the Court shall draw adverse inference. It is also informed that the maintenance amount is due since July, 2018 till date. It is made clear that if the maintenance amount or the sum of Rs.5,00,000/- mentioned in paragraph 2, supra is not paid, the HMOP will not be proceeded with and the Court shall take coercive steps to ensure that the maintenance amount is paid to the petitioner/wife. Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

10.04.2019

Index: Yes/No
Internet:Yes/No
Speaking order / Non-speaking order
mrn

P.T.ASHA, J.,

mrn

To
The Principal Subordinate Judge,
Vellore.



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