

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

**C.R.P.(PD) No.290 of 2018
and
CMP No.1581 of 2018**

M.Nithya

...

Petitioner

Vs

P.Madheswaran

...

Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order passed in IA.No.420 of 2017 in FCOP.No.403 of 2016 on 24.10.2017 on the file of the Family Court, Erode, Erode District

For Petitioner : Mr.K.S.Kumar

For Respondent : No appearance

ORDER

This Civil Revision Petition is filed against the order passed in IA.No.420 of 2017 in FCOP.No.403 of 2016 on 24.10.2017 on the file of the Family Court, Erode, Erode District, thereby allowing the petition and directed the respondent to return the certificates.

2. The petitioner is the wife and the respondent is the husband.

The respondent filed petition for restitution of conjugal rights as against the petitioner. While pending restitution of conjugal rights petition, the petitioner filed petition for direction directing the respondent to return the original documents which were kept in the matrimonial house. The documents are as follows:

1	SSLC mark sheet	Original
2	Higher Secondary School (+2) Mark sheet	Original
3	Transfer certificate	Original
4	Community certificate	Original
5	Birth certificate	Original
6	Law degree certificate	Original
7	B.L.Provisional certificate	Original
8	B.L. Mark sheet	Original
9	Voter ID card	Original
10	Driving licence	Original
11	LIC Bond bearing Policy No.704048886	Original
12	Law degree enrolment certificate	Original
13	Identity card issued by the Tamilnadu Bar counsel	Original
14	1 st year marksheet of MBA, degree	Original
15	Employment authorisation document (EAD) card issued in USA	Original
16	Social security number card issued in USA	original

3. The respondent filed counter stating that the documents in serial Nos.1,2,3,4,11,12, 15 & 16 are in his custody and for remaining documents, he will try to find out and produce before the court below. The court below considering the same, allowed the petition and directed the respondent to hand over all the original certificates which were admittedly with his possession to the petitioner herein . The learned counsel for the petitioner would submit that even till today, the respondent did not hand over the documents as directed by the court below.

4. Instead of filing any execution petition before the court below, the petitioner has preferred the present civil revision petition. Therefore, the petitioner is directed to approach the court below to execute the interim order passed by the court below in the manner known to law.

5. With the above direction, this civil revision petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

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Index:Yes/No

3/5

Internet: Yes/No

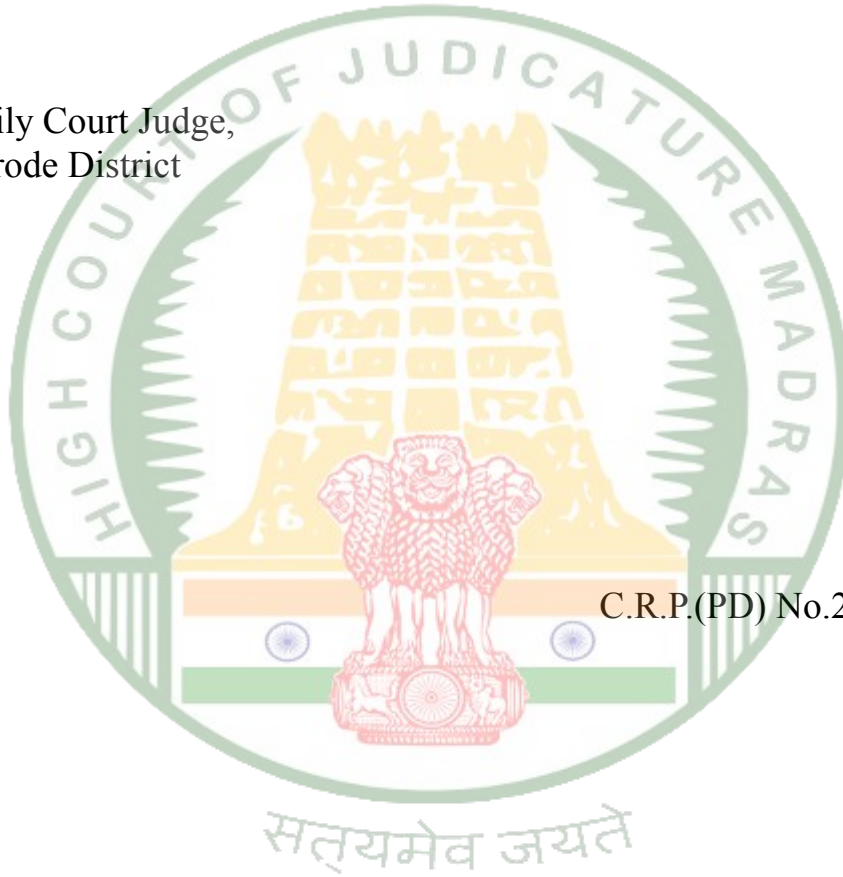
Speaking Order: Yes/No

G.K.ILANTHIRAIYAN,J.

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To

The Family Court Judge,
Erode, Erode District



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