



C.R.P(PD).No.1089 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1089 of 2022
and C.M.P.No.5574 of 2022

M.S.Bindhu

... Petitioner

..Vs..

R.Kiran Kumar

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order passed in I.A.No.2 of 2021 in H.M.O.P.No.176 of 2017 dated 03.01.2022 on the file of the Principal Subordinate Judge, Hosur, Krishnagiri District.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.V.Balamurugan

ORDER

This Civil Revision Petition has been preferred, challenging the order of the learned Principal Subordinate Judge, Hosur, Krishnagiri



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District, dated 03.01.2022 made in I.A.No.2 of 2021 in H.M.O.P.No.176 of 2017.

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2.The revision petitioner is the wife and the respondent/husband has filed HMOP.No.176 of 2017 for dissolution of marriage. During the pendency of the proceedings, this revision petitioner filed a petition in I.A.No.2 of 2021, for return of jewels and other valuables along with her three months salary alleged to be lying with the respondent/husband and the same was dismissed. Aggrieved over that, the revision petitioner/wife has preferred this revision.

3.The learned counsel for the petitioner submitted that the petition was dismissed for want of oral and documentary evidence and hence by allowing this revision an opportunity should be granted to the petitioner/wife, to substantiate her prayer in I.A.No.2 of 2021.



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4.It is the duty of the petitioner to produce supporting materials to substantiate the relief sought for, before getting the orders. If the petitioner thought that her oral evidence is also necessary, appropriate request should have been made before the Court. Even then, in the matrimonial proceedings, the Court cannot be expected to conduct another trial by way of examining the parties at length for deciding interlocutory petitions. In the order of this Court, it is stated that a direction has already been given to complete the proceedings in HMOP.No.170 of 2017, within a period of four months. So during the main proceedings, the petitioner can take the liberty to produce any materials to substantiate that her belongings are in the custody of the respondent/husband. In the absence of any proof, the learned Judge cannot allow the petition. I find no ground for interference. However, the earlier direction given by this Court for disposing the HMOP proceedings within a period of four months still stands good.



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5. Accordingly, the Civil Revision Petition is dismissed and the order of the learned Principal Subordinate Judge, Hosur, Krishnagiri District, dated 03.01.2022, made in I.A.No.2 of 2021 in H.M.O.P.No.176 of 2017, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

16.06.2022

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Index: Yes No

Speaking Order: Yes/No

To

1. The Principal Sub Judge,
Hosur, Krishnagiri.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.



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R.N.MANJULA,J.

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