



C.R.P.D.No.1331 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.R.P.D.No.1331 of 2023

and

C.M.P.No.8907 of 2023

Hari@N.Manikandan

...Petitioner/Respondent

Vs.

M.Padmashini Prakathambal

... Respondent/Petitioner

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair order and decretal order passed in I.A.No.1 of 2022 in H.M.O.P.No.100 of 2022 dated 08.02.2023 on the file of the Sub-Court, Sankakiri.

For Petitioner : No Appearance

For Respondent : Mr.N.Prabhakar

ORDER

None represents for the petitioner on the last hearing and today too.



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2. Heard Mr.N.Prabhakar, learned counsel appearing for the respondent.

3. The revision petitioner has filed the petition in H.M.O.P.No.100 of 2022 before the Sub-Court, Sankakiri under Section 13(1)(ia) of Hindu Marriage Act, for grant of divorce on the ground of cruelty. Meanwhile, an application under Section 151 C.P.C., was moved by the respondent/wife to order the petitioner to return the petition mentioned School and College Certificates and other documents, 15 in number.

4. It has been averred in the petition that the petitioner's original school and college certificates and other documents mentioned in the petition are in the custody of her husband [Hari@N.Manikandan](#). It has been further averred that she was deserted by the respondent in July 2021. Even thereafter also she went to the respondent/husband's house alongwith her parents several times and requested to hand over the said certificates. But the respondent/husband refused to return the said certificates and documents. It is further averred that on 06.08.2022, she



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lodged a complaint in this regard before the Sankakiri Police Station. At the police station, she was advised to seek the relief before the Court. Therefore, she filed the application to order to return the petition mentioned certificates.

5. Counter was filed stating that such a petition would not lie and not maintainable in law and the documents mentioned in the petition are not available with the respondent/husband. Hence, he sought to dismiss the petition and the petitioner/wife did not bring any documents or certificates to the respondent/husband's house.

6. For better understanding Section 27 of the Hindu Marriage Act, 1955 is extracted hereunder:

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.

7. The petition was filed under Section 151 of C.P.C.



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8. The petitioner/wife has specifically averred that the petition mentioned documents are under the custody of the respondent/husband.

9. The documents listed in the petition appears that school certificates, mark lists, Under Graduate and Post Graduate Degree Certificates and other Course Certificates, Community Certificate, Experience Certificate issued by a private school and Bank Pass Book all in 15 in numbers. Among those documents as mentioned supra, Document Nos.13 and 15, on application they can be obtained. As regards other Mark Lists and Degree Certificates, it is a long process to obtain the Certificates of that nature afresh. Any person for that matter, it is so natural, they would keep the School, College Certificates and other important papers with them. When the respondent/wife has asserted that the petition mentioned documents are under the custody of the petitioner/husband, he is entitled to return the said petition mentioned documents forthwith.

10. In the given circumstances, I do not find any perversity or infirmity in the order passed by the trial Court. Based on the afore stated



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discussions, this Civil Revision Petition stands dismissed. There is no order as to costs. Consequently, connected civil miscellaneous petition stands closed. Time for return of petition mentioned documents is two months from today.

30.08.2024

Index : Yes / No
Speaking Order / Non-Speaking Order
Neutral Citation Case : Yes / No
ssn

R.KALAIMATHI, J.,

ssn

To

The Sub-Court,
Sankagiri.

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