



C.R.P. No.1226 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.07.2025

CORAM

THE HON'BLE DR. JUSTICE P.B. BALAJI

**C.R.P. No.1226 of 2025
and C.M.P. No.7396 of 2025**

G.R. Ravi

... Respondent/ Petitioner/ Petitioner

-VS-

Indhu @ Loganayagi

... Applicant/ Respondent/ Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 10.01.2025 made in I.A.No.74 of 2021 in H.M.O.P. No.69 of 2020 by the learned Subordinate Judge, Panruti.

For Petitioner : Mr. G. Ethirajulu

For Respondent : Mr. E. Sathiyaraj



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ORDER

This Civil Revision Petition is filed to set aside the order dated 10.01.2025 made in I.A.No.74 of 2021 in H.M.O.P. No.69 of 2020 by the learned Subordinate Judge, Panruti.

2. Heard Mr.G.Ethirajulu, learned counsel for the respondent and Mr.E.Sathiyaraj, learned counsel for the petitioner.

3. The learned counsel appearing for the petitioner/ husband would first and foremost contend that a typographical error has led to confusion and the consequent order being passed, which is now challenged in the revision. According to the learned counsel for the petitioner, the respondent/ wife took out two applications in I.A. Nos.74 and 75 of 2021, I.A.No.74 of 2021 seeking return of jewellery and I.A.No.75 of 2021 for interim maintenance. The petitioner/ husband has filed counter to both the said applications meeting the averments and allegations set out by the respondent/ wife. However, the learned counsel appearing for the petitioner/ husband, by mistake, has mentioned I.A.No.75 of 2021 instead of I.A.No.74 of 2021 in



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the application for return of jewellery. This has led to the Trial Court giving a finding that the petitioner/ husband has not denied the averments regarding the jewellery and has proceeded to direct the petitioner/ husband to return the same.

4. The learned counsel for the petitioner would further state that the said mistake was brought to the notice of the Presiding Officer, but however at the time of passing order, the same was not taken note of. He would also invite my attention to the counter filed in the application for return of jewellery, which also encloses a list of jewellery and stated that if the Court had considered the said counter, along with the list, the petitioner would have been successful in getting the application dismissed.

5. Per contra, the learned counsel appearing for the respondent/ wife would invite my attention to the order passed by this Court in C.R.P. No.4191 of 2024 dated 22.10.2024, where the order in I.A.No.75 of 2021, ordering interim maintenance was challenged and the said revision came to be dismissed, confirming the interim maintenance of Rs.7,500/- per month as



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ordered to be paid. Referring to the concluding portion of the said order, the learned counsel for the respondent would state that despite this Court granting eight weeks time to the petitioner to clear the arrears, the petitioner had not paid the amounts due and payable to the respondent/ wife.

6. In reply, the learned counsel for the petitioner/ husband would state that the petitioner has no willful intention to disobey the orders of this Court and if the details of the arrears are brought to his notice, the same would be disbursed/ settled, without any delay.

7. However, coming to the present application directing return of jewellery, the learned counsel for the respondent/ wife would invite my attention to the counter filed in I.A.No.74 of 2021 and stated that no list is attached to the said counter affidavit. However, it is the specific contention of the petitioner/ husband that there was inadvertent exchange of numbers namely I.A.No.74 and I.A.No.75 which has led to the present situation. Having gone through the affidavit and also typed set of papers, including both the counter affidavits, I find that the mistake appears to be a bonafide



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mistake on the part of the learned counsel, who appeared for the petitioner.

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In fact in the counter affidavit, which has been filed as a counter in the I.A.No.75 of 2021, a list of jewellery is also attached at page No.7 and it is signed not only by the petitioner, but also by his counsel.

8. In the light of the above and considering the fact that this counter affidavit has not been taken into consideration by the Sub Court, Panruti, the revision is allowed with a direction to the Sub Court, Panruti to re-hear the I.A.No.74 of 2021 treating the counter filed in I.A.No.75 of 2021 as the counter for I.A.No.74 of 2021, and the said application shall be disposed of within a period of four weeks from the date of receipt of copy of this order.

9. As regards the arrears due to the respondent/ wife, the learned counsel for the respondent shall furnish the statement of arrears to the learned counsel for the petitioner and the petitioner shall settle the same, within two weeks from the date of receipt of copy of this order.



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P.B. BALAJI, J.,
stn

10. Accordingly, this civil revision petition is allowed with a direction to the Sub Court, Panruti to re-hear the I.A.No.74 of 2021 treating counter filed in I.A.No.75 of 2021 as the counter for I.A.No.74 of 2021 and the application shall be disposed of within a period of four weeks from the date of receipt of copy of this order. Consequently, connected civil miscellaneous petition stands closed. There shall be no order as to costs.

03.07.2025

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
stn

To

The Subordinate Judge, Panruti.

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