



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-11-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP No.1836 of 2025

CMP No.10605 of 2025

R.Madhu

... Petitioner(s)

Vs.

Venkatesan

... Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order passed in I.A.No.1 /2023 in HMOP No.2/2023 dated 21.09.2024 on the file of Sub Court, Ambur

For Petitioner(s) : Mr.R.Govindasamy

For Respondent(s) : Ms.Gopika Nambiar

for M/s Govind Chandrasekar



ORDER

This civil revision petition is filed, challenging the order passed by the court below, dismissing the application filed by the petitioner/wife under Section 27 of Hindu Marriage Act.

2. The petition for return of Articles was dismissed by the court below mainly on the ground that the same shall be considered only at the time of final disposal and any order shall form part of the decree in the main proceedings.

3. The issue raised in this petition, with regard to maintainability of petition filed under Section 27 of Hindu Marriage Act is no longer res-integra. The said issue was considered by this court in CRP No.3303 of 2018, dated 12.08.2020. The relevant observation reads as follows.

“ 9. I am inclined to agree with the contention of the learned counsel for the respondent. Section 27 provides for determination of rights of the parties to the properties belonging to both of them jointly or either of them at the time of disposal of a main petition filed under the Hindu Marriage Act. Neither the Hindu Marriage Act nor the Family Courts Act empower the Court to pass interlocutory orders relating to the ownership of the property, since that will always depend on the evidence that is let in at the time of final hearing of the case. The ownership of the property or return of movables or return of property cannot be



made subject matter of interlocutory proceedings, more so, because the title to them will have to be decided based on evidence.”

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4. In view of the settled position, the petition for return of articles filed by the petitioner cannot be decided at this stage and the same can be considered only at the time of final disposal of the OP. Therefore, the court below committed an error in dismissing the application, without keeping it pending for consideration at the time of final disposal of OP. To that extent, the impugned order passed by the court below, dismissing the application in I.A.No.1/2023 is set aside. The court below is directed to consider the said application along with HMOP No.2/203. Both the parties are at liberty to lead evidence on merits in respect of their contentions before the court below.

5. With the above clarification, this civil revision petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

07.11. 2025

Internet: yes

Index: Yes/No

Neutral citation: Yes/No

MST

To

The Sub Court, Ambur.



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S.SOUNTHAR J.

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