



CRP No.2475 of 20_.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

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D.R.Nithiya

... Petitioner

Vs.

R.P.Senthilkumar

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 11.03.2024 passed in I.A.No.04 of 2022 in O.P.No.58 of 2020 on the file of Family Court, Judge, Dharmapuri.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.R.Thamaraiselvan

ORDER



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Heard the learned counsel for the parties.

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2. The issue arises out of dismissal of application filed under Section 27 of Hindu Marriage Act for return of jewels and various amounts to the petitioner/wife.

3. Learned counsel for the revision petitioner/wife pointing out to the fact that even in the petition for restitution of conjugal rights, the respondent/husband has categorically admitted the fact that the parents of the petitioner had given valuable jewels to her at the time of marriage and would submit that the finding of the Family Court that the petitioner has not proved the fact that the articles and money gifted by the father of the petitioner to the respondent and family members, to the satisfaction of the Court, is erroneous. However, learned counsel for the respondent would invite my attention to the list of articles annexed to the petition filed under 2/5



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Section 27 of the Hindu Marriage Act and would submit that there is no reference to the jewels which is now shown as one to be admitted by the respondent.

4. It is the specific contention of the respondent/husband that the petitioner has taken away all her belongings when she left the house at the time of delivery and she never returned and therefore, the Family Court has rightly held that the burden is on the petitioner/wife to establish that the articles which are sought to be returned from the respondent/husband and the family are available with the husband's family. He therefore submits that the order passed by the Family Court does not warrant any interference.

5. I find that before Family Court, neither of the parties have chosen to give oral and documentary evidence. The Family Court has also not considered the admissions made by the respondent/husband which, however, could be explained by the respondent/husband provided the parties adduced



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evidence at trial. The petitioner/wife has given a list running to about 223 items which, according to the petitioner/wife, are available with the respondent/husband. It is also the duty of the petitioner/wife to have entered witness box to give evidence.

6. Considering the fact that the parties are already separated by dissolution of divorce by the Family Court, dharmapuri in HMOP No.41 of 2024 on 04.11.2025, I deem it necessary to remit back the matter to Family Court to give an opportunity to both the parties to establish their respective contentions by adducing satisfactory oral and documentary evidence.

7. The petition filed under Section 27 of Hindu Marriage Act shall be

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decided after giving opportunity to the petitioner/wife and the
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respondent/husband to establish their respective contentions regarding various articles, expenses as well as the jewels that is now being claimed by the petitioner/wife.

8. With the above direction, the civil revision petition is allowed and the order in I.A.No.4 of 2022 is set aside and the matter is remitted back to the Family Court, Dharampuri and the Family Cour, Dharmapuri is directed to dispose of I.A.No.04 of 2022 in O.P.No.58 of 2020 on merits and in accordance with law after permitting both parties to lead evidence, by end of March 2026.No costs.

26.11.2025

Neutral Citation: Yes/No

Speaking Order/Non-speaking Order

Index : Yes / No

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To

The Family Court, Dharmapuri

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