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C.R.P.No. 4242 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.B. BALAJI

C.R.P.No. 4242 of 2025

A.Rathna

.. Petitioner

VS

S.Ramalingam

.. Respondent

Prayer : Petition filed under Article 227 of the Constitution of India to set aside the Docket Order dated 24.07.2025 passed in I.A.No.2 of 2025 in O.P.No.2007 of 2022 on the file of the IV Additional Judge, Family Court, Chennai and dismiss I.A.No.2 of 2025 and allow the present Civil Revision Petition.

For Petitioner : Mr.S.Vasudevan

For Respondent : Mrs.T.R.Thara

ORDER

The wife is the revision petitioner. The respondent / husband filed O.P.No. 30 of 2021 originally before the Sub-Court, Nagapattinam which was subsequently transferred to the file of the IV Additional Family Court, Chennai in O.P.No. 2007 of 2022. After



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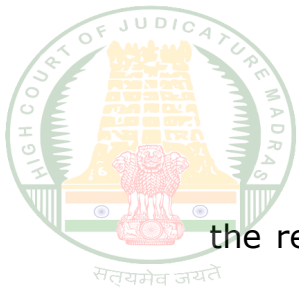
contest, the said OP was allowed, as against which, the revision petitioner has preferred CMA, which is pending before this Court.

2. Pending the said OP, the respondent had filed an application under Section 27 of the Hindu Marriage Act, 1955 (Act) for return of articles and jewellery. The said application ought to have been disposed of along with O.P.No. 2007 of 2022. However, without following the mandate of Section 27, in and by a docket order, the Family Court has disposed of I.A.No. 2 of 2025 in the following manner:-

*"Perused. There is no material in the evidence to decide this petition, hence this petition is closed. The petitioner is at liberty to pursue the relief in pending MC. No costs."*

3. Learned counsel for the petitioner states that the said order disposing of the application under Section 27 is improper and against the letter and spirit of Section 27 itself, which requires the Court to incorporate provisions for return of articles and jewellery even in the main order which dealt with the dissolution of the marriage. Admittedly, this has not been done in the present case.

4. Learned counsel for the respondent / husband however states that there is no infirmity in the order since the husband has produced documentary evidence in the maintenance case regarding



the return of articles and jewellery and, therefore, the order of the Family Court is perfectly in order and no interference is warranted.

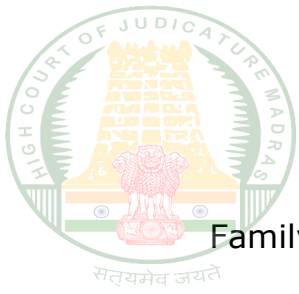
5. I have carefully considered the submissions advanced by the either side.

6. Section 27 of the Act is extracted below for ease of reference:-

*"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 phraseology employed in Section 27 is clear that the Family Court has to make provisions in the decree with respect to any property presented at or about the time of marriage. In the present case, the husband sought for return of articles and jewellery by moving an application in the pending divorce petition filed by him.

8. However, I find from order passed by the Family Court that the Family Court finds that there is no material in evidence to decide the application for return of articles and jewellery. If the



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Family Court had come to such conclusion then the only course open to the Family Court was to dismiss the application. However, while disposing of the application, the Family Court has given liberty to the husband to workout his rights in the pending maintenance case.

9. Ultimately, divorce has been granted, without making any provisions in the final order. The Family Court has found that there is no material to decide the petition and proceeded to close the application. The Family Court, in such circumstances, ought to have only dismissed the application, finding that there is no evidence adduced with regard to the articles or jewellery which was sought to be returned from the petitioner / wife.

10. The approach of the Family Court giving liberty to the respondent / husband to pursue the relief for return of articles under Section 27 in the maintenance case is clearly improper and faulty. However, since the Family Court has given a finding that there is no material in the evidence to decide the Section 27 petition, it is always open to the respondent / husband to challenge the same by way of an independent appeal.



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11. Now that the appeal preferred by the petitioner / wife is pending before this Court in CMA proceedings, it is open to the respondent / husband to file a cross-objection in the pending CMA proceedings.

12. With the above liberty, this Civil Revision Petition stands allowed and order dated 24.07.2025 is set aside. No costs.

07.10.2025

Index:Yes/No  
Neutral Citation:Yes/No  
ssm

To

The IV Additional Judge, Family Court, Chennai.



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P.B. BALAJI , J.

ssm

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