



Tr.CMP.Nos.1173 & 1174 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

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Order reserved on : 28.08.2025

Order pronounced on : 12.09.2025

CORAM

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

Tr.CMP.Nos.1173 & 1174 of 2024
& CRP.No.3844 of 2024
& CMP.Nos.25706, 21082 & 25709 of 2024

Ashwini Reddy

..Petitioner
in both Tr.CMPs and CRP's

Vs.

S.Abishek Reddy

..Respondent
in both Tr.CMPs and CRP's

Prayer in Tr.CMP.No.1173 of 2024: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw O.P.No.4676 of 2021 from the file of the Principal Family Court, Chennai and transfer the same to any other Additional Family Court, Chennai.

Prayer in Tr.CMP.No.1174 of 2024: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw O.P.No.3479 of 2022 from the file of the Principal Family Court, Chennai and transfer the same to any other Additional Family Court, Chennai.

Prayer in CRP.No.3844 of 2024: Civil Revision Petition filed under Article 227 of constitution of India, to set aside the fair and decreetal order dated



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31.07.2024 made in I.A.No.6 of 2023 in O.P.No.4676 of 2021 on the file of the Principal Judge, Family Court, Chennai.

For Petitioner : Mr.J.Saravana Vel in all petitions

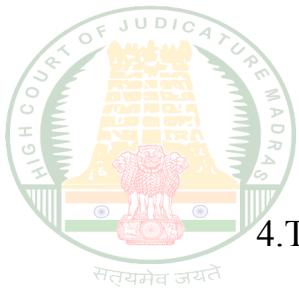
For Respondent : Mr.S.Baskaran in all petitions

COMMON ORDER

The Transfer Civil Miscellaneous Petitions have been filed to withdraw O.P.No.4676 of 2021 and O.P.No.3479 of 2022 from the file of the Principal Family Court, Chennai and transfer the same to any other Additional Family Court, Chennai.

2.The Civil Revision Petition has been filed, challenging the order dated 31.07.2024 made in I.A.No.6 of 2023 in O.P.No.4676 of 2021 on the file of the Principal Judge, Family Court, Chennai.to

3.I have heard Mr.J.Saravana Vel, learned counsel for the petitioner in all the petitions and Mr.S.Baskaran, learned counsel for the respondents in all the petitions.

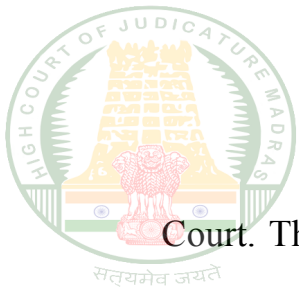


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4.The wife is the revision petitioner and also petitioner in the transfer petitions.

5.CRP.No.3844 of 2024 has been filed, challenging the order in I.A.No. 6 of 2023 in O.P.No.4676 of 2021 on the file of the Principal Judge, Family Court, Chennai. The respondent/husband, filed an application for return of Sridhana articles given to the petitioner/wife, by her family members. The said application was strongly opposed, contending that the petition is not maintainable and there is no provision for return of Sridhana articles given to the wife, which becomes her absolute property. However, the Family Court has proceeded to partly allow the application, by directing the wife to return items 1 to 4 and 6 to 13 alone.

6.Mr.J.Saravana Vel, learned counsel for the petitioner/wife, would state that the application itself at the instance of the husband was not maintainable and when admittedly the articles that were sought to be returned were all Sridhana articles and gifts admittedly made to the wife and the child and their family members, the same cannot be returned, merely because subsequently the parties are separated and are battling matrimonial proceedings in the Family



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Court. The learned counsel would also rely on the decision of the Honourable Supreme Court in *Krishna Bhattacharjee vs Sarathi Choudhury*, reported in (2016) 2 SCC 705.

7.Per contra, Mr.S.Baskaran, learned counsel for the respondent/husband would state that the Family Court has not committed any error in ordering return of the articles that were rightly belonging to the respondent and further, he would contend that between the two families, settlement talks were held and it was agreed that both the parties will return the respective articles and the petitioner having taken advantage of the return of articles due to her, is now attempting to thwart the entitlement of the respondent to the articles that belong to him. The learned counsel would also invite my attention to the order in [I.A.No.1](#) of 2023 dated 25.10.2023, where the application filed by the petitioner/wife, the learned Family Court has already ordered return of most of the items excepting item 6, 9 and 10 to the petitioner/wife as prayed for by her. The learned counsel would rely on the decision of the Honourable Supreme Court in *Balkrishna Ramchandra Kadam vs Sangeeta Balkrishna Kadam*, reported in *AIR 1997 SC 3562*, where the Honourable Supreme Court, while dealing with an application under Section 27 of the Hindu Marriage Act, held



that the expression “at or about the time of marriage” has to be construed to include such property which is given at the time of marriage as also the property given before or after the marriage to the parties to become their property and that the property can be tracked down to have connection with the marriage. Placing reliance on the said decision, Mr.S.Baskaran, learned counsel for the husband would state that the Family Court has not committed any error in partly allowing the application and therefore, he prays for the dismissal of the revision.

8.I have carefully considered the submissions advanced by the learned counsel on either side.

9.Even in the application that has been filed in [I.A.No.6](#) of 2023, the specific case on which the respondent / husband made the application before the Court is that he is entitled to return of the Sridhana articles, which were provided to the wife and her family members. Therefore, when the respondent / husband himself has admitted to the fact that the articles given by the respondent and his family members to the petitioner and her family members are only Sridhana articles, the said articles assume the character of gift to the petitioner/ wife and they become her absolute property.



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10. Merely because a dispute arises subsequently and parties are forced to approach the Court for redressal of their grievances, it is not open to the respondent / husband to reclaim the properties that were given to the wife as Sridhana property. This issue has been dealt with by the Honourable Supreme Court in *Krishna Bhattacharjee's case*, where the Honourable Supreme Court held that any such property given by gift or will presented to the bride, either by her husband or the father, would constitute Sridhana property and the same would become her absolute property, with all rights to dispose the same, at her own pleasure. The Honourable Supreme Court further held that the husband has no control over the said Sridhana property and at best, he may use it during the time of his distress, but he has a moral obligation to restore the same or its value to his wife and that Sridhana property would not become joint property of the wife and husband and the husband has no title or independent dominion over such property, as owner.

11. In the light of the fact that even according to the respondent, the articles, which he claims return of, are Sridhana items, the said items having become the absolute and independent property of the petitioner / wife, the



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respondent is not entitled to return of the same. Unfortunately, the Family Court has proceeded to apply the law on the point erroneously on a misconstruction of settled legal position. In the light of the above, I am inclined to set aside the order of the Family Court.

12.Insofar as the transfer petitions, they have been filed by the petitioner/wife seeking transfer of the proceedings pending before the Principal Family Court, Chennai in O.P.No.4676 of 2021 and O.P.No.3479 of 2022.

13.According to the petitioner / wife, the learned Principal Family Court is conducting the proceedings in a biased manner in favour of the respondent and therefore, the petitioner / wife seeks transfer. Mr.J.Saravana Vel, learned counsel for the petitioner states that the wife is working and residing at Bangalore with a minor child and she has expressed her inability to come for hearing on weekdays and has therefore requested her assisting counsel to request the Presiding Officer to post the OP's on Saturdays.

14.However, according to the learned counsel for the petitioner, the learned Family Court has not heeded to the said genuine request made by the



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petitioner and the learned Judge has also not encouraged the settlement which was mooted between the parties, by refusing to grant time in the matter.

15.The applications for transfer are seriously opposed by Mr.S.Baskaran, learned counsel to the respondent, who states that the allegations on which the transfer is requested are clearly unsustainable and if transfer of proceedings are ordered, accepting such unsustainable allegations and averments, then it would even set a wrong precedent by encouraging parties who face a difficult situation before the Court or suffer adverse orders to seek transfer and avoid the disposal of the proceedings which are already pending before a particular court.

16.I have carefully considered the submissions advanced by the learned counsel on either side in the transfer petitions also.

17.I do not find that the allegations that are made against the Presiding Officer strong enough to indicate bias exhibited by the Presiding Officer in favour of the respondent. Moreover, merely because the petitioner has suffered an adverse order in an application for return of Sridhana articles and the said order has also been challenged by the petitioner in a manner known to law,



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being a judicial proceeding, I do not find how the petitioner is entitled to seek transfer merely on the ground that the learned Presiding Officer is refusing to grant adjournments.

18. Admittedly both the petitions filed by the husband and the wife are pending before the same Court and necessarily, there has to be a trial. The only ground urged by the petitioner, if at all that requires any consideration, in my considered opinion, is that the Presiding Officer is not even heeding to the legitimate request for posting the matters on Saturday, when the Family Court is working. This issue can always be addressed to accommodate the convenience of the petitioner / wife and this cannot be, however, a ground for transfer of the proceedings out of the said Family Court, where it is presently pending. Therefore, I do not see any merit in the request of transfer made by the petitioner/ wife. However, a direction is issued to the Family Court to accommodate the request of the petitioner/ wife to post the OP's on Saturdays, when the Family Court is working, to enable the petitioner to attend the same. It is of-course needless to state that such indulgence shall be shown to the petitioner / wife, only when the hearing of the case requires the physical presence of the petitioner / wife and not for any other hearings, since even



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according to the petitioner, she has already sought for legal assistance and a counsel is representing her before the Family Court. In view of the above, I do not see any merit in the transfer petitions.

19.In fine, CRP.No.3844 of 2024 is allowed and the order dated 31.07.2024 in I.A.No.6 of 2023 in O.P.No.4676 of 2021 on the file of the Principal Judge, Family Court, Chennai, is set aside. Tr.CMP.Nos.1173 and 1174 of 2024 are dismissed. Considering that the OP is pending from the year 2021, the Principal Judge, Family Court, Chennai, shall expedite O.P.No.4676 of 2021 and dispose of the same, on merits and in accordance with law, on or before 31.03.2026. There shall be no order as to costs. Connected Civil Miscellaneous Petitions are closed.

12.09.2025

Speaking/Non-speaking order

Index : Yes/No

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The Principal Judge, Family Court, Chennai.



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P.B.BALAJI.J.

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Pre-delivery order made in
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