



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.1577 of 2024

Pandeeswari

...Petitioner

Vs.

1.R.Annadurai

2.A.Mala

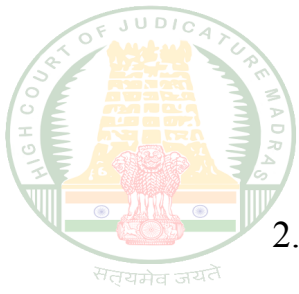
...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records in Criminal Appeal No.4 of 2023 on the file of the learned Principal District and Sessions Judge, Paramakudi and to set aside the order passed therein on 22.01.2024 which confirmed the order passed by the learned Judicial Magistrate, Kamuthi in D.V.C.No.4 of 2020 dated 01.12.2022.

For Petitioner : Mr.C.M.Arumugam

ORDER

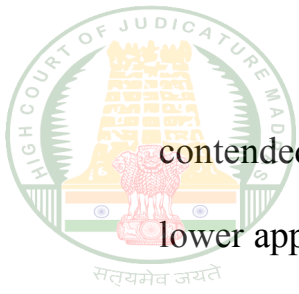
This Civil Revision Petition has been filed to set aside the order passed in Criminal Appeal No.4 of 2023 on the file of the learned Principal District and Sessions Judge, Paramakudi and to set aside the order passed therein on 22.01.2024 which confirmed the order passed by the learned Judicial Magistrate, Kamuthi in D.V.C.No.4 of 2020 dated 01.12.2022.



2. The marriage between the petitioner and the first respondent was solemnized in the year 1995, and out of the said wedlock, two children were born. Subsequently, matrimonial disputes arose between the parties, and the petitioner filed a domestic violence complaint in D.V.C.No.4 of 2020 before the learned District Munsif-cum-Judicial Magistrate, Kamuthi. Prior to that, the first respondent had filed a petition under the Hindu Marriage Act seeking divorce, which is still pending. The petitioner also initiated maintenance proceedings, wherein the trial Court awarded a monthly maintenance of Rs. 6,000/- in her favour.

3. In the domestic violence case, by order dated 01.12.2022, the trial Court granted the relief of residence to the petitioner but declined to order return of the gold jewels. Aggrieved by the said denial, the petitioner filed C.A.No.4 of 2023 before the lower appellate Court, which was dismissed on 22.01.2024. Challenging the same, the present Civil Revision Petition has been filed.

4. The learned counsel appearing for the petitioner submitted that there was a compromise between the parties, and a letter dated 12.03.2007 was produced, which allegedly evidenced that the first respondent received 50 sovereigns of gold jewellery from the petitioner for constructing a house. It is



contended that this letter was not considered either by the trial Court or the lower appellate Court.

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5. However, a perusal of the letter dated 12.03.2007 reveals that it was executed during the course of a compromise in a criminal case pending before the police station. The said document does not carry evidentiary value as per law, especially when it is not supported by any independent material or evidence confirming that the gold jewels were indeed handed over by the petitioner to the respondent.

6. Both the trial Court and the lower appellate Court rightly concluded that in the absence of substantive and admissible evidence, no order for return of gold jewels can be passed. The lower appellate Court rightly upheld the findings of the trial Court.

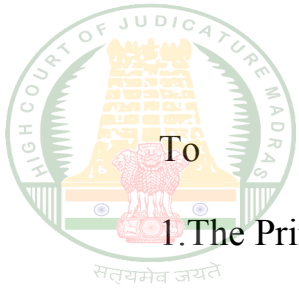
7. In view of the above, the Civil Revision Petition stands dismissed. No costs.

17.07.2025

Internet: Yes/No

Index: Yes/No

TSG



To

1.The Principal District and Sessions Court, Paramakudi.

2.The Judicial Magistrate, Kamuthui.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

TSG

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