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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 04-03-2026**

CORAM

**THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**CRP Nos. 1345 and 2826 of 2022**

S.Krishnamoorthy

..Petitioner(s) in both  
CRPs

Vs.

S. Devika

..Respondent(s) in both  
CRPs

**Prayer :-** These petitions have been filed under Article 227 of the Constitution of India, to set aside the Common Order dated 22.07.2021 in I.A.Nos. 9 and 10 of 2020 made in H.M.O.P.No.3 of 2020 on the file of the Subordinate Judge, Gingee.

|                    |                         |
|--------------------|-------------------------|
| For Petitioner(s): | Mr.P.R.Thiruneelakandan |
| For Respondent(s): | No appearance           |

### **C O M M O N O R D E R**

Civil Revision Petitions have been filed to set aside the common order dated 22.07.2021 in I.A.Nos.9 and 10 of 2020 made in H.M.O.P.No.3 of 2020 on the file of the Subordinate Judge, Gingee.

2. The learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized in the year 2008. However, within a short while, in view of differences of opinion and



incompatibility, they have started living apart from the year 2009. The respondent had filed an application for dissolution of marriage under Sections 13(1)(i-a) and (i-b) of the Hindu Marriage Act, 1955. In the said application, the petitioner had also taken out an application for a direction to return the Sridhana items and also for interim maintenance. The HMOP as well as the interlocutory applications for the aforesaid reliefs were all ordered by the Court as exparte.

3. He would submit that the respondent is a qualified teacher and working in a private school and therefore, she is capable of maintaining herself. Suppressing her employment, an application for interim maintenance has been sought for and the Court below had also ordered the interim maintenance of Rs.5,000/- per month and Rs.5,000/- towards the litigation expenses.

4. He would further submit that the father of the respondent in an earlier proceedings had admitted that all the sridhana items had been returned. He would submit that the respondent suppressing the sridhana items are returned had filed the present application only to harass the petitioner. Therefore, he would submit that the order directing to return the sridhana items as well as the payment of maintenance and litigation expenses is wholly arbitrary and seeks this Court to set aside the same.



5. In spite of notice having been served on the respondent, the respondent had neither chosen to appear in person or entered appearance through counsel.

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6. I have considered the submissions made by the learned counsel for the petitioner and the learned counsel for the respondent and I have also gone through the materials placed on records.

7. The contention of the petitioner is that the respondent is not entitled to the relief granted in the interlocutory application filed by the respondent. It is the case that the respondent is employed and has own source of income, and that the respondent father in an earlier HMOP filed by the respondent for restitution of conjugal right had admitted the return sridhana items.

8. It is to be noted that the petitioner had earlier suffered an order of restitution of conjugal rights, but not complied with the decree. Thereafter, the respondent had approached the Family Court seeking dissolution of marriage under Section 13(1)(i-a) and (i-b) of the Hindu Marriage Act, 1955.

9. The petitioner had remained exparte in the said proceedings and by order dated 22.07.2021, the HMOP as well as the interlocutory application filed by the respondents were ordered. The petitioner had not filed any appeal as against the decree ordering dissolution of marriage, but had only challenged the



orders made in the interlocutory applications. The attack of the petitioner on the orders impugned, viz., the orders made in the interlocutory application is on its merits. He had not disputed the receipt of notice in the HMOP or interlocutory applications. Without placing the facts before the Court to arrive at a proper conclusion, the petitioner in the present revision is attempting to assail the orders of the Court by placing reliance upon certain facts.

10. This Court is of the view that such an attempt to assail the order impugned herein, without placing the materials relied upon by the petitioner in the Revisions before the Court cannot be permitted. The reason for arriving at such conclusion is that this Court cannot hold an impugned orders in these Revisions to be erroneous on the set of facts, which have not been placed before the Court, which had passed the orders impugned in these Revisions. The petitioner had waited before the court and had suffered with the impugned orders. The orders that are impugned had come into being due to the conduct of the petitioner in not appearing before the Court, for which reasons the orders of the Court cannot be faulted with.

11. However, this Court is of the view that when the respondent seeks execution of the said orders, it is always open to the petitioner to raise all the grounds, that he had raised in these revisions, and when such objections are raised, the Court below can always deal with the same on merits.



12. For the aforesaid reasons, these Civil Revision Petitions fail and accordingly, the same are dismissed. However, the respondent is at liberty to raise all the grounds that were raised in these Revisions as defence for any steps of execution taken by the respondent. No orders as to costs.

**04-03-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

*Maya*

To

The Subordinate Judge, Gingee.



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**K.KUMARESH BABU, J.**

*Maya*

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**Dated : 04-03-2026**