



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:04.12.2025

Pronounced on: 30.01.2026

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

CRP. No.4040 of 2022

S.Kavin

Petitioner(s)

Vs

Tmt.P.Joy Viveka

Respondent(s)

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the impugned order dated 04.08.2022 made in I.A. No.5 of 2022 in I.D.O.P. No.118 of 2020 on the file of Family Court, Tiruvallur.

For Petitioner : Mr.S.Kavin (Party in Person)

For Respondent : Mr.T.Ravi

ORDER

The husband who has suffered an order in I.A. No.5 of 2022 in IDOP No.118 of 2020 before the Family Court, Thiruvallur is the revision petitioner.

2. I have heard Mr.S.Kavin, Party in Person and Mr.T.Ravi, learned



counsel for the respondent/wife.

3. The petitioner husband contends that the order of the Family Court directing payment of Rs.10,00,000/-, return of jewellery (7 ³/₄ sovereigns of gold) and return of house keys is unsustainable and is based on no evidence. The petitioner submits that insofar as the return of keys, the property is admittedly registered in the name of the wife and due to disputes, the petitioner has already moved out of the said house and he has handed over the key to the Apartment Owners' Association's Office bearer. He would further state that the petitioner has one set of keys and therefore, it was only in order to harass the petitioner that the application has been made by the wife.

4. With regard to the return of Rs.10,00,000/-, the petitioner, husband states that the respondents paid only Rs.5,00,000/- by way of bank transfer and it was the petitioner who brought it to the notice of the Court voluntarily and in such circumstances, the Family Court ought not to have believed the tall versions projected by the respondent as if another sum of Rs.5,00,000/- has been paid by cash. He would in any event contend that the Rs.5,00,000/- paid by the respondent was spent for matrimonial and household expenses leading upto reception held at Erode and according to the petitioner, in fact, a sum of



more than Rs.5,00,000/- was incurred and the additional expenses were met only by the petitioner.

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5. As regards jewellery, the petitioner states that the petitioner has denied that he possessed 7 $\frac{3}{4}$ sovereigns of gold and would contend that the jewellery weighing 9 sovereigns of gold belonging to the petitioner and gifted to the respondent is actually available with the respondent and the petitioner did not even make a claim for return of the said 9 sovereigns of gold, since it would be used for the welfare of the daughter born to the petitioner and the respondent. He would therefore state that the Family Court clearly erred in ignoring the respondent's admission in evidence regarding 9 sovereigns of gold gifted by the petitioner and has proceeded to erroneously order return of 7 $\frac{3}{4}$ sovereigns of gold which was never available with the petitioner in the first place.

6. Per contra, learned counsel appearing for the respondent/wife inviting my attention to the counter affidavit filed by the petitioner in E.P. No.1 of 2025 with specific reference to paragraph No.4, would contend that the petitioner has stated in the counter affidavit that the respondent has already complied with all the directions issued in I.A. No.5 of 2022 and that despite the same, the respondent has suppressed those facts and has wantonly filed the Execution



Petition. He would therefore states that there is absolutely no merit in the revision, especially in the light of the stand taken by the Petitioner before Executing Court in E.P. No.1 of 2025.

7. In reply, the petitioner in person contends that no admission was ever intended or made in the counter filed before the Executing Court and the wording in the said counter is being mis-interpreted by the learned counsel for the respondent. He would further contend that when the EP was filed only on 30.01.2025, by which time, the petitioner had already challenged the order by filing revision within the period of limitation, the question of post decree compliance does not arise. He would further state that what he meant was that an amount of Rs.6 lakhs was maintained in Fixed Deposit in the name of the minor daughter for her welfare. Rs.5,00,000/- received from the respondent was spent for marriage expenses and household expenses and therefore, in that sense, he intended these to be recognised as compliance. He has denied possession of house keys at any point of time and also denies having received or possessed 7 $\frac{3}{4}$ sovereigns of gold, reiterating that it is only the respondent, who possesses 9 sovereigns of jewels belonging to the petitioner.

8. I have carefully considered the submissions advanced by the petitioner-



in-person as well as the learned counsel for the respondent and also I have gone through the impugned order in I.A. No.5 of 2022.

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9. Insofar as the return of keys, it is the case of the petitioner/husband that he has already handed over one set of keys which is available with him to the Association/Officer Bearer and therefore, he cannot be compelled to return the key which is admittedly not with him. On the other hand, it is the contention of the respondent/wife that the house has two sets of keys and one set of keys was admittedly with the petitioner which was called upon to be returned and since the petitioner was not able to establish the factum of handing over the key to the office bearer of the Apartment Association, the Family Court has rightly ordered return of the keys. I do not see any real purpose in agitating the issue. Instead a practical solution is available on hand. The petitioner does not claim any right or interest in the house which admittedly belongs to the respondent/wife. If at all the respondent apprehends that the key with the petitioner will be misused to gain entry into the house at a later point of time, the petitioner can always replace the locks and have a fresh set of lock/s and keys. This way the apprehension of the respondent is addressed, I therefore do not see any necessity to confirm the direction regarding handing over of the keys by the petitioner to the respondent.



10. Coming to the payment of Rs.10,00,000/-, the petitioner admits receipt of Rs.5,00,000/- by RTGS. However, he contends that the amount was spent for marriage reception and therefore, the petitioner is not liable to repay the same. In fact, I find that the Family Court has rightly found that the petitioner has not been able to establish payment of Rs.5,00,000/- by way of cash and no documentary evidence has been adduced on the side of the respondent/wife and in such circumstances, having held that the respondent has not proved payment of Rs.5,00,000/- by cash, the Family Court clearly erred in ordering return of Rs.10,00,000/-.

11. Next, the counter affidavit filed by the petitioner in E.P. No.1 of 2025 has to be necessarily considered. The rival contentions have already been set out herein above with regard to the said counter affidavit filed by the petitioner. The counter affidavit has been filed by the petitioner on 23.06.2025 in E.P. No.1 of 2025. No doubt, the said counter affidavit has been filed pending the above revision petition. That does not mean that there cannot be any post order or decree compliance made by the petitioner. The petitioner can always choose to comply with the order despite having challenged the same. Therefore, I am unable to countenance the said arguments in this regard.



12. With regard to the other submission, it would be relevant to extract para 4 of the counter affidavit in E.P. No.1 of 2025, as follows:.

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“ 4.This Respondent submits that the respondent paid order amounts and jewels and house key to the petitioner as per the order issued by the I.A. No.5 of 2022 in IDOP. No.118 of 2020 but the petitioner/decreed holder suppressed the real fact and wantonly file this execution petition with false and baseless facts. Hence, this petition is liable to be dismissed on this ground alone.”

The said admission is not clear but ambiguous. Further, it is a document that has been filed pending this revision. It is not the case of the respondent also that the petitioner has complied with the order. Therefore, in such circumstances, much cannot be made out of such unclear statement in the counter affidavit.

13. I have already held that the petitioner is liable to refund a sum of Rs.5,00,000/- only and admittedly, out of the said Rs.5,00,000/-, a sum of Rs.2,50,000/- has been already paid, pursuant to interim directions issued by this Court at the time of admitting this revision petition. Resultantly, the remaining Rs.2,50,000/- shall be paid by the petitioner within a period of four (4) weeks from the date of receipt of the copy of the order.



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14. With regard to return 7 $\frac{3}{4}$ sovereigns jewellery, the petitioner denies that there is any such jewellery available at his hands and on the contrary, he contends that his jewellery of 9 sovereigns is available with the respondent. However, the Family Court has erroneously found that the petitioner having admitted that 7 $\frac{3}{4}$ sovereigns were given at the time of marriage, has not proved that he has returned the same to the respondent and on such reasoning, the Family Court has directed return of the jewellery. In the counter affidavit filed by the petitioner, he has specifically denied the fact that the petitioner is not possessed with the 7 $\frac{3}{4}$ sovereigns jewellery. However, in fact, he states that he has not even seen the jewellery. It is not a case where the respondent was living with the petitioner in the matrimonial home along with respondent's parents. Admittedly, the petitioner and respondent were living in an Apartment which stood in the name of the respondent/wife. Further, it is also the admitted case of the respondent herself that her husband left the house without even handing over the key. It is not the case of the respondent that while leaving the house permanently, the petitioner took away the jewellery also. In such circumstances, the Family Court clearly erred in holding that the petitioner having admitted that the parents of the respondent have given 7 $\frac{3}{4}$ jewels, is liable to return the same, in the absence of showing proof, but he has returned the same to the wife. Such finding is clearly unsustainable in the light of the



fact that the petitioner and the respondent were living separately in the house of the respondent/wife and in the absence of any allegations that the petitioner took away the jewellery also while leaving the house, I do not see, how the reasoning of the Family Court can be sustained.

15. In fine, the Civil Revision Petition is partly allowed, setting aside the direction with regard to payment of return of Rs.10,00,000/- alone and restricting it to Rs.5,00,000/- and considering the payment of Rs.2,50,000/- already paid pending Civil Revision Petition, the remaining Rs.2,50,000/- shall be paid by the petitioner to the respondent within a period of four (4) weeks from the date of receipt of the copy of the order. I have already indicated that no directions are necessary with regard to return of the key from the petitioner. Insofar as the order directing to return of 7 ³/₄ sovereigns of jewellery, the said direction is also set aside. No costs.

30.01.2026

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Internet: Yes/No
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To:

The Judge,
The Family Court,

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P.B.BALAJI, J.,

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Pre-delivery order in
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