



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

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THE HON'BLE MR.JUSTICE S. SOUNTHAR

**CRP No. 2898 of 2025 and
CMP.No.16359 of 2025**

R.Shanmuga Sundar @ Gopi
S/o.Rajendran,

..Petitioner

Vs

S.Yogeshwari
W/o.R.Shanmuga Sundar @ Gopi,

..Respondent

Prayer: The civil revision petition filed under Article 227 of Constitution of India, praying to set aside the order passed in IA.No.1 of 2023 in OP.No.5102 of 2022 dated 25-03-2025 on the file of the I Additional Family Court, Chennai.

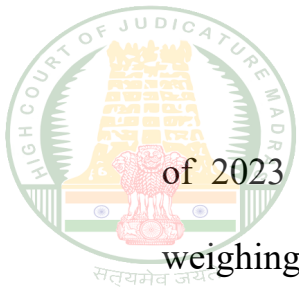
For Petitioner(s): M/s.C.B.Vishnudasana

For Respondent(s): Mr.R.Dharanidharan
for Mr.V.Perinbamuthu

ORDER

The Civil Revision Petition is filed challenging the order passed by the Family Court allowing the application filed by the respondent seeking return of the jewels weighing 42 sovereigns presented at the time of marriage.

2. The respondent herein filed O.P.No.5102 of 2022 seeking divorce on the ground of cruelty. Along with the said petition, the respondent filed IA.No.1



of 2023 under Section 27 of Hindu Marriage Act seeking return of jewels weighing 42 sovereigns presented to her at the time of marriage.

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3. The Family Court, after trial, allowed the main OP and granted decree for divorce on the ground of cruelty. The petition for return of jewels was taken up along with the OP and the same was allowed by directing the petitioner herein to return the jewels mentioned in the list annexed with the petition. Aggrieved by the said order passed in petition seeking return of the jewels, the petitioner/husband has come before this court.

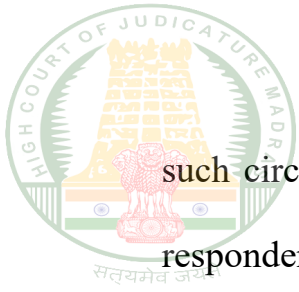
4. The learned counsel for the petitioner submitted that the Family Court allowed the application filed under Section 27 of Hindu Marriage Act mainly on the ground that the petitioner has not cross-examined the respondent with regard to the presentation of jewels and the said observation made by the Family Court is not correct. The learned counsel, by taking this Court to the evidence of PW1, submitted that there was a suggestion to PW1 that all the jewels presented to her were in her custody and the same was denied. In such circumstances, the order passed by the Family Court is the result of misreading of evidence and therefore, the same is liable to be set aside.

5. The respondent herein filed a petition seeking return of the jewels weighing 42 sovereigns presented to her at the time of marriage. Along with the



petition, she filed list of articles wherein the details of the jewels presented to her were mentioned with the description and weight. The petitioner/husband filed a counter to the said application. In the counter, the petitioner has not denied the claim made by the respondent with regard to the presentation of the jewels and availability of the same with the petitioner. On behalf of the respondent/wife, she entered witness box as PW1 and deposed in support of the averments contained in the petition seeking return of the jewels. However, on behalf of the petitioner/husband, he has not entered the box and adduced any rebuttal evidence. During cross-examination of PW1, there was a suggestion to her that all the jewels presented to her at the time of marriage were in her custody and the said suggestion was denied by her. Except the suggestion to PW1, there is no other evidence available on record denying the claim made by the respondent/wife.

6. When the respondent/wife entered the box and deposed regarding the presentation of the jewels and availability of the same with the petitioner/husband, in the absence of petitioner entering the box and leading rebuttal evidence, the evidence of respondent/wife shall be taken into consideration. Apart from these said facts, in the counter filed by the petitioner/husband to the petition filed by the respondent/wife seeking return of articles, he has not denied availability of the articles claimed by wife. Therefore, even in the pleadings, the petitioner failed to deny the claim made by the respondent. In



such circumstances, the trial court rightly allowed the application filed by the respondent under Section 27 of Hindu Marriage Act for return of articles. I do

not find any irregularity or illegality in the order passed by the Family court.

Accordingly, the civil revision petition stands dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

21-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The 1st Additional Family Court, Chennai.

CRP No. 2898 of 2



S.SOUNTCHAR, J.

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