

C.M.S.A.(MD)Nos.27 and 28 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2026

CORAM

THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

C.M.S.A.(MD)Nos.27 and 28 of 2012

C.M.S.A.(MD)No.27 of 2012:

V.Balaji

... Appellant

vs.

R.Vaishnavi

... Respondent

PRAYER: Civil Miscellaneous Second Appeal filed under Section 28 of Hindu Marriage Act r/w under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree of the lower Appellate Court dated 21.08.2012 passed in C.M.A.No.4 of 2011 on the file of the Principal District Judge, Thanjavur, confirming the judgment and decree of the Trial Court dated 25.01.2011 passed in H.M.O.P.No.175 of 2009 on the file of Additional Subordinate Judge, Thanjavur and to allow the Second Appeal.

For Appellant : Mr.Mr.R.Thanga Pandian

For Respondent : Mr.V.K.Vijayaraghavan

C.M.S.A.(MD)No.28 of 2012:

V.Balaji

... Appellant

vs.

R.Vaishnavi

... Respondent



C.M.S.A.(MD)Nos.27 and 28 of 2012

PRAYER: Civil Miscellaneous Second Appeal filed under Section 28 of Hindu Marriage Act r/w under Section 100 of the Code of Civil Procedure, to set aside the judgment and decree of the lower Appellate Court dated 21.08.2012 passed in C.M.A.No.5 of 2011 on the file of the Principal District Judge, Thanjavur, confirming the judgment and decree of the Trial Court dated 25.01.2011 passed in H.M.O.P.No.130 of 2007 on the file of Additional Subordinate Judge, Thanjavur and to allow the Second Appeal.

For Appellant : Mr.Mr.R.Thanga Pandian

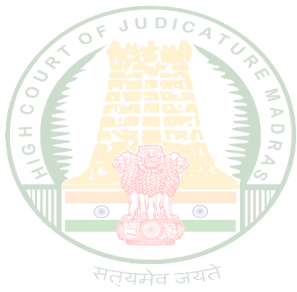
For Respondent : Mr.V.K.Vijayaraghavan

COMMON O R D E R

This Court, on 23.07.2025, recorded a compromise between the appellant husband and the respondent wife. The terms of settlement deed dated 20.08.2025 are as follows:

- i) The husband will settle his apartment situated at Muthuram Mudali Street, Mylapore, Chennai – 600 004, in favour of his only child born to the appellant and the respondent, namely Mr. Harish.
- ii) The appellant husband would return the Godrej bureau and the streedhana articles to the wife.

This Court further directed that, if these two conditions are complied with, a decree for divorce would ensue.



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2.Mr.R.Thangapandian made a mention that the appellant/father had settled the property in the name of the son as per the directions of this Court. He requested this Court to list the matter and record the compromise. Acting on the mention so made, I listed the matter day before yesterday, i.e., 20.04.2026.

3. Mr.V.K.Vijayaraghavan, who appears for the respondent wife, reported that the original of the settlement deed has been retained by the husband and that only a photostat copy thereof, has been handed over to the settlee.

4. Mr.Thangapandian stated that the husband has retained the settlement deed as he fears that the respondent wife and son might alienate the property, thereby, depriving the husband of the only roof available to him. Therefore, I called upon the respondent wife to file an affidavit that she will not alienate the property. I also called upon the parties to appear before this Court.

5. When I took up the matter today, Mr.V.Balaji/appellant and Mrs.R.Vaishnavi/respondent were present. On the request made by Mr.Thangapandian, I enquired if there was a possibility of reunion. Both Mr. Balaji and Mrs. Vaishnavi stated that, as they have been



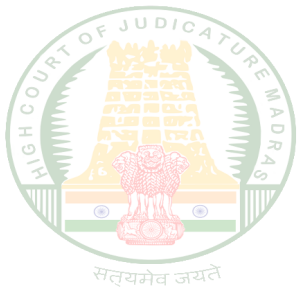
separated for more than two decades, they have gone far apart in their lives that reunion is not possible.

6. Mrs.Vaishnavi further pleaded that the husband has retained the following silver articles given at the time of their marriage:

- (i) 2 வெள்ளி குத்துவிளக்கு
- (ii) 2 வெள்ளி தட்டு
- (iii) 1 வெள்ளி கிண்ணம்
- (iv) 1 குங்குமம்சீமில்

7. Apart from that, she states that the husband has retained a gold necklace weighing 2½ sovereigns, Thirumangalyam weighing 2 grams, two earrings weighing about 6 grams, and one gold chain weighing 3 sovereigns. She states that, when she went to the residence of the husband to recover and take possession of her streedhana articles on 02.09.2025, only some old clothes were returned. This aspect of the case is not in dispute.

8. Mr. Balaji reports that, as two items viz., 2 வெள்ளி குத்துவிளக்கு were not available, he offered to replace the same with what was available with him. It was not accepted by Mrs.Vaishnavi on 02.09.2025, nor is it acceptable to her even as on today.



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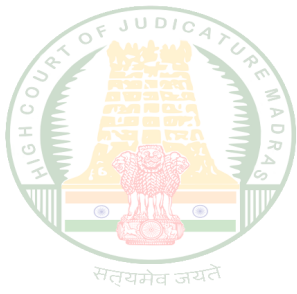
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9. As the articles given at the time of marriage amounted to the streedhana articles of Mrs.Vaishnavi, she would be rightfully entitled to restitution of the same, at the time of divorce. As the recording of the compromise between the parties was on 23.07.2025, that date is frozen, for the purpose of fixation of the value of the aforesaid articles.

10. The total quantity of gold articles to which Mrs.Vaishnavi would be entitled is 52 grams. Mr.Thangapandian reports that, as on 23.07.2025, the value of gold was Rs.9,380/-. The total value of the gold retained by Mr.Balaji, to which Mrs.Vaishnavi is rightfully entitled, is fixed at Rs.4,87,760/-. Insofar as the silver articles are concerned, the value is fixed at Rs.2,38,000/-.

11. In all, Mr. Balaji would be liable to pay a sum of Rs.7,25,000/- (Rupees Seven Lakhs Twenty Five Thousand only) to Mrs.Vaishnavi. This amount represents the value of the silver and gold articles to which Mrs. Vaishnavi is entitled.

12. Mr.Thangapandian, on instructions from Mr.Balaji, reports that this amount will be paid on or before 31.05.2026.



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13. Call this matter on **02.06.2026**. On that day, Mr. Balaji shall produce:

(i) Proof of payment of the sum of Rs.7,25,000/- to the account of Mrs.Vaishnavi;

(ii) The original of the settlement deed dated 20.08.2025 in Document No. 2990 of 2025;

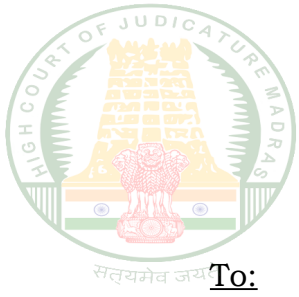
(iii) The affidavits filed by Mrs.Vaishnavi and by Mr.Harish stating that they will not alienate or interfere with the possession of Mr.Balaji, which will be recorded, on compliance with the aforesaid conditions.

Mr.Balaji and Mrs.Vaishnavi, along with their son Mr.Harish, shall be present before this Court on **02.06.2026**.

Post the matter along with CRP(MD)SR.No.19239 of 2014 and other connected petitions on 02.06.2026 as the first item in the list.

22.04.2026

Nsr

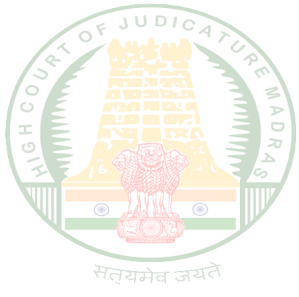


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To:

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- 1.The Principal District Judge, Thanjavur.
- 2.The Additional Subordinate Judge, Thanjavur.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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V.LAKSHMINARAYANAN, J.

Nsr

Order made in
C.M.S.A.(MD)Nos.27 and 28 of 2012

22.04.2026