

Disposal of property/property matters

Sr. No.	Title	Citation	Question involved	Held
1	Mehul Mahendra Thakkar Vs Meena Mehul Thakkar	2009 (14) SCC 48	Matrimonial Dispute under Hindu Marriage Act, 1955, Section 27	<ul style="list-style-type: none"> • Disposal of property- Interim Order – By the impugned order, the Court has directed the court Receiver to take possession of the flat from the appellant and induct respondent – wife in the flat during the pendency of the appeal. • Family Court has reached the conclusion that both the husband and wife are joint owners of flat. • Even before giving a verdict on the findings and the conclusions reached by the Family Court, by way of interim relief, the court has granted the main relief itself. • This is unsustainable by way of interim relief. • Final relief should not be granted till the matter is decided on way or the other.
2	K.A. Abdul Jaleel vs T.A. Shahida	Appeal (civil) 3322 of 2003, DOD : 10 April, 2003 (SC)	Whether the Family Court has jurisdiction to adjudicate upon any question relating to the properties of divorced parties	<ul style="list-style-type: none"> • Held – It is now a well-settled principle of law that the jurisdiction of a court created specially for resolution of disputes of certain kinds should be construed liberally. The restricted meaning if ascribed to Explanation I appended to Section 7 of the Act, in our opinion, would frustrate the object wherefor the Family Courts were set up.
3	Balkrishna Ramchandra Kadam	AIR 1997 SC 3562; 1997 (4)	Section 27 of Hindu Marriage Act	<ul style="list-style-type: none"> • Jewellery and other property of divorced wife • The property as

	Vs Sangeeta Balkrishna Kadam	RCR (Civil) 157; 1998(1) BCR 462(SC)		<p>contemplated by Section 27 is not the only property which is given to the wife at the time of marriage. It includes the property given to the parties before or after marriage also so long as it is relatable to the marriage.</p> <ul style="list-style-type: none"> • The expression at or about the time of marriage has to be properly construed to include all such properties • The family court has to adjudicate upon to ascertain the property of the wife before passing a decree against the husband and cannot decline claim of wife for want of jurisdiction to adjudicate upon the issue of property. • Case remanded to family court.
4	Urmila Rani (Smt) Vs Raj Kishan Gupta	LAWS(SC)- 1993-8-57 Decided on August 04,1993 (SC)	Hindu Marriage Act, 1955, Sections 27 and 13	<ul style="list-style-type: none"> • Application under Section 27 filed by the wife in divorce petition filed by the husband under Section 13. • Appellant had made no claim over the properties in the civil suit filed claiming alimony. • Application even if filed long after the filing of the divorce petition and when the evidence of parties in the divorce petition was over and the case was due for final arguments is maintainable. • Trial Court directed to dispose of application under Section 27.
5	Anita Vs Rakesh	2010(5) Law Herald 3579	Hindu marriage Act,1955, Section 27- Disposal of Property	<ul style="list-style-type: none"> • Application for recovery of dowry articles on basis that stridhan articles belonged

		(P&H)		<p>exclusively to wife.</p> <ul style="list-style-type: none"> • Court found that the plaintiff had failed to establish which particular articles were still in the custody of the respondent as stridhan. • Direction for disposal of property that a matrimonial court could grant shall be only in relation to property which may belong jointly to both husband and wife. • An exclusive property to one of spouses could not be a subject of a direction Under Section 27 of Hindu Marriage Act. • Application not sustainable-Revision dismissed.
6	Vijay Kumar Duggal Vs Kamlesh Kumari	2005(2) R.C.R. (Civil) 271 (P&H)	Hindu Marriage Act, 1955, Section 27- return of articles	<ul style="list-style-type: none"> • Entire articles including gold ornaments, clothes, cash, utensils directed to be returned to wife. • Held, no order for return of gold ornaments, wrist watch, clothes and cash can be passed under Section 27 of act. • No case for return of utensils is made since marriage took place 17 years ago. • Order can be passed in respect of iron petti, sewing machine, ceiling fan, sofa set, double bed and dining table which are joint property for joint use of parties.
7	Bohti Devi Vs Karma	1996 (1) HLR 221 (P&H)	Section 13 & Section 27 of HMA	<ul style="list-style-type: none"> • No order of return of dowry articles can be passed after lapse of long time of marriage. However husband can be directed to pay cash in lieu of dowry articles
8	Neel Kanth	AIR 2011	Hindu Marriage	<ul style="list-style-type: none"> • Family Courts Act, 1984,

	Jaiswal Vs. Manju Lata Jaiswal	Chhattisgarh 6	Act,1955, Sections 27 & 13 – issue of return of Stridhan, Civil Procedure Code,1908, Section 11-Resjudicata-	<p>Section 7(1) Explain 2I.</p> <ul style="list-style-type: none"> • Recovery of stridhan – Family Court dealing with the divorce 4roceeding under the Hindu Marriage Act is not competent to decide the issue relating to return of stridhan in terms of Section 27 of the Act. • An independent suit claiming return of stridhan is maintainable in accordance with Section 7 of Family Courts Act. • Matter directly and substantially in issue of return of Stridhan decided by the court in previous divorce 4roceeding. • Subsequent suit claiming return of stridhan. • Issue of return of stridhan before both the courts cannot be said to be directly and the substantially one and same as previous suit was for divorce. • Subsequent suit ‘for return of stridhan held not barred on the principles of resjudicata.
9	Lalita Devi Vs Laxminarayan	I (2008) DMC 351 (MP)	Maintainability of Application u/s 27 of Hindu Marriage Act, 1955	<ul style="list-style-type: none"> • Hindu marriage Act,1955, Section 27-Application for disposal of Property-Maintainability of. • Application of appellant Under section 27 dismissed by family court on the ground that no 4roceeding under the act are pending between parties- • Held as per section 27 in any pending proceeding under Act, Court may make such provisions in decree as it deems just and proper with respect to any property

				<p>presented, at or about time of marriage.</p> <ul style="list-style-type: none"> • Held – that application u/s 27 is not maintainable independently. As per Section 27 in any pending proceeding under this act court may make such provisions in the decree as it deems just proper with respect to any property presented, at or about time of marriage. It is mandatory that proceeding between the parties must be pending for maintainability of application u/s 27 of the act.
10	Nirmala Rawendra Gupta Vs Rawendra Kumar @ Munna Gupta	1996 MPLJ 1128; AIR 1996 MP 227	Suit for recovery of 'Stridhan' Section 27 of HMA Order 7 Rule 7 of CPC Section 151 of CPC.	<ul style="list-style-type: none"> • In appeal, Court holding that property claimed by wife belonged to her exclusively and it did not belong jointly to both husband. • Even though Section 27 of the Act is limited to article of both husband and wife jointly belonging to them and may not apply to stridhan of wife. • There is nothing in Section 27 which prevents Court from adopting procedure Under Section 151 of Civil Procedure Code to restore the property to the wife.
11	Arun Kumar Vs Smt.Indira	AIR 2005 Allahabad 406	Hindu Marriage Act,1955, Section 27-Scope-Disposal of Property	<ul style="list-style-type: none"> • All properties given in connection with the marriage either at the time of marriage or before the marriage or after the marriage can be dealt with Under Section 27 of the Act. • View of presiding Officer that ornaments and wearing apparels could not be dealt with Under Section 27 of the Act erroneous.
12	Shakuntala	AIR 1989	Section 27 Hindu	<ul style="list-style-type: none"> • Disposal of property-Claim of

	Vs Mahesh Atmaram Badlani	Bombay 353; MANU/MH /0272/ 1989	Marriage Act, Section 42 of Parsi Marriage and Divorce Act.	wife that it was her exclusive property. <ul style="list-style-type: none"> • Held – that the court has no jurisdiction to dispose of such property under Section 27 which confines the jurisdiction of court to dispose of only such property that has been presented at or about the time of marriage and which belongs jointly to husband and wife. • Merely because under the consent terms both the parties had prayed to the court to decide the, question, that by itself cannot confer jurisdiction Under Section 27 to the court.
13	Ashok Kumar Vs Usha Rani Kad	1984(26)D LT 398; 26 (1984) DLT 398; MANU/DE/ 0386/1984	U/s 27 Hindu Marriage Act, 1955	<ul style="list-style-type: none"> • Disposal of property given at the time of marriage-Nature of the property which the court can order Under Section 27 to be returned-Held that the appellant cannot be directed to refund the amount of Rs.1,100.00 which was given to him at the time of engagement ceremony-Although he is liable to refund the other cash presents which were given to both him and the respondent on the occasion of other ceremonies. • Hindu Marriage Act,1955, Section 27-Disposal of property given at or about the time of marriage-Price Of various articles-No receipt showing the price paid-Order 8, Rules 4 & 5 Civil Procedure Code require that the pleadings should be specific-Half admission or half denial

				would be termed as evasive and deemed admission.
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