

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

C.R.P. (PD) No.3004 of 2015

Sumi  
represented through her power agent  
Mr.C.N.Sukumaran, ... Petitioner

Vs.

Kirubhakaran ... Respondents

Prayer : Civil Revision Petition has been filed under Article 227 of the Constitution of India praying to issue direction to number the I.A. in unnumbered I.A.Sr.No.5012/2014 in GOP No.101 of 2014 on the file of Family Court, Puducherry.

For Petitioner : Mr.Vikram Ramakrishnan

ORDER

The petitioner is the wife. Her husband filed G.O.P.No.101 of 2014 on the file of the Family Court at Puducherry seeking custody of the male minor child aged about four years, on 17.03.2014.

2. While so, the revision petitioner went to London, as she got employment there.

3. In these circumstances, the revision petitioner was set ex-parte and ex-parte decree was passed on 04.12.2014 in G.O.P.No.101 of 2014. Hence, two interim applications in I.A.(SR)No.5012 of 2013 in G.O.P.No.101 of 2014 were filed to set aside the ex-parte decree dated 04.12.2014 and to permit the petitioner to be represented by her Power Agent Mr.C.N.Sukumaran, who is her father.

4. The trial Court returned both the applications on 13.01.2015. In the application, seeking to set aside the ex-parte decree, while return, the following endorsements are made :

"1) The petitioner is called absent. Petition for appointing power agent is filed, without the presence of the petitioner, how this petition is maintainable ?

2) Process not signed by the petitioner."

5. I am not able to understand as to why the petitioner shall be present, when the petitioner has authorised her Agent to pursue the matter. As far as the second return is concerned, the process need not be signed by the petitioner and the process could be signed by the Power Agent. Hence, I am of the view that the Trial Court shall number the interim application and decide the matter in the manner known to law.

6. While returning the other interim application seeking to permit the petitioner to be represented by her Power Agent, the following endorsement :

"1) Since petition filed under Order IX Rule 13 of CPC is returned, this petition is also returned.

2) Process not signed by the petitioner."

7. This return is based on the return referred to above. Since a direction is issued to number the said interim application, here again, I am inclined to issue direction to number the interim application and to decide the matter in accordance with law.

8. As far as another interim application filed by the petitioner seeking to permit the appearance of the petitioner through Tele/Video conferencing is concerned, the learned counsel for the petitioner submits that he is not pressing that interim application. The said submission is recorded.

9. With the above directions, this Civil Revision Petition is disposed of. No costs.

Sd/-

सत्यमेव जयते  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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Note : The Registry is directed to return the Original records to the learned counsel for the Petitioner on getting acknowledgement.

To

The Judge,  
Family Court,  
Puducherry.

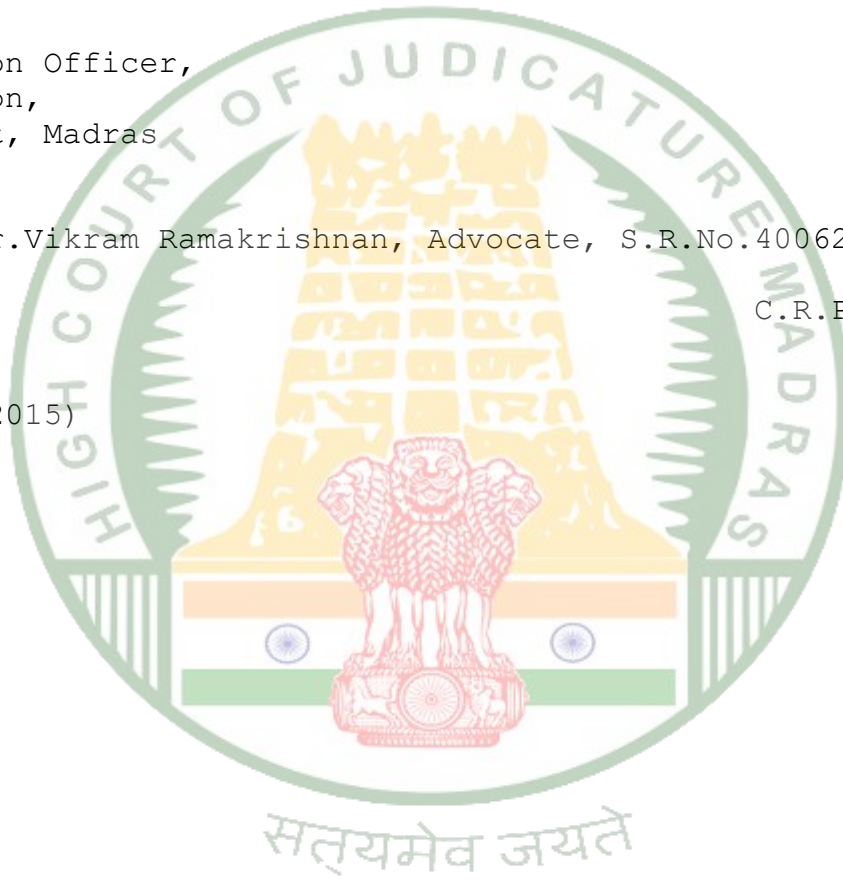
Copy To

The Section Officer,  
V.R.Section,  
High Court, Madras

+1cc to Mr.Vikram Ramakrishnan, Advocate, S.R.No.40062

C.R.P.No.3004 of 2015

CA(CO)  
CA(25/08/2015)



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