

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2016

CORAM

THE HON 'BLE Dr. JUSTICE S.VIMALA

C.R.P. (PD) No.1468 of 2016
and C.M.P.No.8053 of 2016

N.Princy Priya

Represented by Power Agent, A.Nallathambi

... Petitioner

Vs.

P.Starwin Alex

... Respondent

Civil Revision Petition (PD) filed under Article 227 of the Constitution of India to direct the II Additional Family Court to allow the Power Agent to appear on behalf of the Power of Attorney in O.P.No.4389 of 2015 pending before the II Additional Family Court, Chennai.

For Petitioner : Ms. C.Sangamithirai

ORDER

The order of the Family Court, passing a conditional order, directing the respondent / wife to appear on 10.06.2016, failing which, exparte order will be passed against the wife is under challenge in the Revision Petition.

2. The learned counsel for the petitioner would submit that the wife wanted her father to appear in this case as Power Agent and the Family Court is not accepting the same.

3. Permitting the appearance of the party, through Power Agent is the discretion of the Court. No doubt, in Family Courts personal presence of the party is expected, considering the nature of litigation and also anticipating settlement of the problem.

4. So far as this case is concerned, it is stated that the wife is in Canada and therefore, she is sought to be represented through Power Agent.

5. It is submitted that the husband seeks an order in the Canadian Court, restraining the wife from leaving Canada and whereas, the Family Court at Chennai, wanted her to be personally present and this thaw has landed the wife in blues.

6. Having regard to the limited prayer, notice to the respondent is dispensed with. The Family Court, Chennai, is directed to permit the wife to be represented by Power Agent and wherever the personal presence of the wife is required, the Family Court is at liberty to pass specific orders calling upon the wife to appear personally.

7. With the above direction, this Civil Revision Petition is disposed of.

No costs. Consequently, connected Civil Miscellaneous Petition is closed.

srk

05.05.2016

To

II Additional Family Court, Chennai

S.VIMALA, J.

srk

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