

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.5.2016

CORAM

THE HONOURABLE MR.**JUSTICE M.V.MURALIDARAN**

C.R.P (PD) No.1585 OF 2016

P. Deepak, represented
by Power Agent C.Ponnusamy

... Petitioner

VS.

Mrs.Sashi Deva

.... Respondent

Civil revision petition has been filed as against the O.P.No.933 of 2015 pending before the learned II additional Family Court, Chennai.

For petitioner : Mr. C. Sangamithirai

ORDER

This Civil Revision Petition has been filed by the petitioner praying to direct the learned II Additional Family Court, Chennai to allow the power agent to appear on behalf of the power of attorney in O.P.No.933 of 2015 pending before the learned II Additional Family Court, Chennai.

2. Learned counsel for the petitioner submitted that the petitioner is the husband of the respondent herein. On account of a matrimonial dispute between both sides, the petitioner herein has filed a petition for Divorce under Section 13(1)(ia) of Hindu Marriage Act, 1955 in O.P.No.933 of 2015 before the Family Court, Chennai in February 2015. He would further submit that since the respondent did not appear, the matter was posted for exparte evidence on 13.7.2015 and at the time when the petitioner is about to take exparte evidence, the respondent appeared and admitted that the marriage was not consummated and she is also willing for divorce and the statement of the respondent was also recorded by the Court.

3. It is his further submission that the petitioner left India and he gave power of attorney to his father to contest the case on behalf of him. Subsequently, he preferred a petition in I.A.SR.No.2020 of 2016 in O.P.No.933 of 2015 before the II Addl. Family Judge, Chennai, seeking to permit him to be represented by his Power of Attorney viz., his father Mr.Ponnusamy. The family Court neither considered the said petition and nor disposed of the same, but posted the matter on 10.6.2016.

4. He would further submit that till date, the respondent is neither appearing before the Court below, nor filing any counter and she has been simply dragging the proceedings and now almost one year is over and hence he prays this Court to fix a short date for hearing.

5. I have heard the submissions made by the learned counsel for petitioner.

6. Considering the limited prayer sought in the Petition, this Court is inclined to take up the main case itself at the stage of admission without issuing notice to the respondent.

7. Therefore, taking note of the facts and circumstances of the case, the learned II Addl. Family Court Judge, Chennai is directed to number the application made in I.A.SR.No.2020 of 2016 in O.P.No.933 of 2015 and dispose of the same within a period of one month from the date of receipt of a copy of this order.

M.V.MURALIDARAN, J.

msr

8. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

27.5.2016

msr

To

The II Additional Family Court, Chennai.

C.R.P (PD) No.1585 OF 2016