

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.650 of 2017
and
C.M.P.No.3287 of 2017

S.Jayaprakash,
Rep. by his father-cum-
Power of Attorney K.Subramani

.. Petitioner

Vs.

R.Aarathana

.. Respondent

Civil Revision Petition filed under Section 115 of the Code of Civil Procedure to set aside the order dated 13.02.2017 passed by the Family Court, Thiruvallur in un-numbered I.A.S.R.No.885 of 2016 in H.M.O.P.No.66 of 2014.

For petitioner : Mr.M.Thirumalai

ORDER

The husband in a matrimonial proceedings, had filed an application seeking permission of the Court to represent his case through a Power of Attorney, namely his father. The said application was returned by the Court below as not maintainable before the Family Court. Hence, challenging the

said return order, the present CRP is filed. The petitioner seems to have placed a decision of a Division Bench of this Court reported in 2014 (5) CTC 177 (R.R.Pauvya Vs. C.Kanagavel), wherein it is held that even a Power of Attorney could represent the parties in matrimonial proceedings till the stage of trial and for the actual trial, the parties are to be personally present. Even that is now facilitated by Video Conferencing in the event of one of the parties unable to attend due to stay outside the country. In such circumstances, in the light of the said judgment of the Division Bench of this Court, the learned Judge of the Family Court, Thiruvallur is directed to number the said I.A.S.R.No.885 of 2016 and pass suitable orders. With this direction, the Civil Revision Petition is disposed of. No costs. C.M.P. is closed.

23.02.2017

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Copy to

The Judge, Family Court, Thiruvallur.

PUSHPA SATHYANARAYANA, J

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