



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2017

CORAM :

WEB COPY

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

CRP (PD) (MD) No. 528 of 2017

Shivashankar

... Petitioner

vs.

Jenibarani

... Respondent

Petition filed under Article 227 of the Constitution of India, against the order dated 20.02.2017 returning the HMOP petition by the Family Court Judge, Madurai.

For Petitioner : Mr. PT. S. Narendravasan

ORDER

The HMOP sought to be filed through power agent was rightly returned by the Family Court, on the ground that it is not filed under appropriate provision of law namely, Order 3, Rule 2 CPC.

2. The counsel for the revision petitioner states that the revision petitioner has filed an application under Order 3 Rule 2 CPC, which has not been taken note by the Court below. The counsel also produced a copy of the power of attorney document wherein, a specific clause is incorporated authorising the power agent to resolve the petitioner's family and matrimonial disputes in the Family Court.

3. Hence, a direction is issued to the Family Court, Madurai, that if the petition is presented with all necessary documents under the right provision of law, the Court shall entertain the application subject to satisfaction of all legal requirements, more particularly, the procedure laid down in paragraph 20 of this Court's judgment in the case of **Terance Alex vs. Mary Sowmya Rose**, reported in **2011 (1) MWN (Civil) 241 = 2011 (2) LW 84**, which reads as under:-

''..... However, in future, the Family Court before returning any Application filed under Order 3, Rule 1, C.P.C., is directed to ascertain and get a declaration from the recognised agent that he is not a legal practitioner, preferably, in the supporting Affidavit, filed along with the Petition under Order 3, Rule 1 C.P.C., so as to avoid any delay.''



4. With the above direction, this Civil Revision Petition is disposed of. No costs.

Registry is directed to return the original papers filed along with this revision to the counsel for the petitioner after getting attesting copies of the same, for further course of action.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Judge, Family Court,
Madurai.

Copy To:-

The Section Officer,
Records Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.PT.S.NARENDRAVASAN, ADVOCATE IN SR No. 51298

NBI
TE/SV-MMS : 21/04/2017 : 2P/4C

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