

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD). No.1440 of 2018

Bharath Rajaram

... Petitioner

Vs.

Sharada

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the pendency of the petition and affidavit in I.A.S.R.No.12349 of 2017 on the file of the V Additional Family Court, Chennai.

For Petitioner : Mr.A.K.Sriram for
M/s. A.S.Kailasam & Associates
For Respondent : Mrs.Ramapriya Gopalakrishnan

ORDER

This civil revision petition filed against the pendency of petition and affidavit in I.A.S.R.No.12349 of 2017 on the file of the V Additional Family Court, Chennai.

2 The petitioner is husband and respondent is wife. The petitioner/husband filed a petition in H.M.O.P.No.3042 of 2017 for dissolution of marriage on the ground of cruelty before the V Additional Family Court, Chennai. The petitioner/husband is working in U.S.A. and since it is not

possible for him to appear on all the hearings of the above petition, he had filed interlocutory application in I.A.S.R.No.12349 of 2017 seeking permission to represent him by his power of attorney Mr.S.Rajaram, which is still pending before the same Court. Pending the above petition, for non-appearance of petitioner, the O.P.No.3042 of 2017 was dismissed by an order dated 24.01.2018. The petitioner also filed an application in I.A.No.867 of 2018 seeking to set aside the order dated 24.01.2018, which is also still pending.

3 The learned counsel for the petitioner would submit that since the petitioner is working in U.S.A. and he could not appear before the Court for all the hearings, he filed an application seeking to appoint one Mr.S.Rajaram as his power agent and the same was still pending. The Family Court before deciding the above application, insisted the petitioner appearance and dismissed O.P.No.3042 of 2017 by an order dated 24.01.2018. The application seeking appointment of Power Agent has not even numbered till date. Hence the revision petitioner come forward with the present revision against the pendency of the petition in I.A.S.R.No.12349 of 2017 on the file of the V Additional Family Court, Chennai.

4 Heard the learned counsel appearing for the petitioner and

perused the materials available on record. The learned counsel appearing for the respondent is present.

5 The main contention of the revision petitioner is that the Family Court instead of taking the application in I.A.S.R.No.12349 of 2017 seeking to appoint power agent, has insisted the appearance of the petitioner and subsequently dismissed the O.P.No.3042 of 2017 by an order dated 24.01.2018.

6 In view of the above fact that the main O.P. itself has been dismissed by an order dated 24.01.2018, this Court is not inclined to give any direction to the Family Court to allow the I.A.S.R.No.12349 of 2017 by exercising its power under Article 227 of the Constitution of India. Accordingly, the civil revision petition is dismissed. No costs.

13.06.2018

Index:Yes/No

Speaking order / Non speaking order

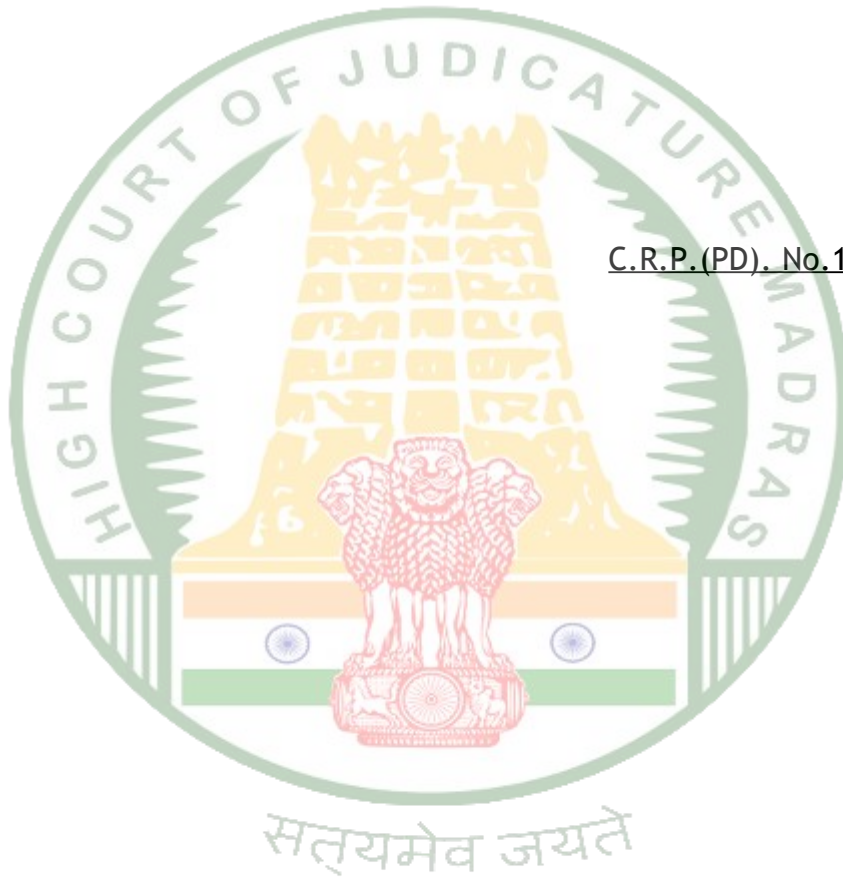
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To

The V Additional Family Court,
Chennai.

P.VELMURUGAN, J.,

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