

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:25.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

**CRP(PD)No.1532 of 2018
and
C.M.P.No.8175 of 2018**

Mrs.R.Vinodhine

.. Petitioner

Vs.

H.Umashankar @ Karthik

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, against the return endorsement dated 04.04.2018 in I.A.S.R.No.5286 of 2018 in F.C.O.P.No.2743 of 2016 on the file of VI Additional Family Court, Chennai.

For Petitioner :Mr.P.Udaya Shankar

ORDER

This Civil Revision Petition has been filed by the petitioner/plaintiff against the return endorsement dated 04.04.2018 in I.A.S.R.No.5286 of 2018 in F.C.O.P.No.2743 of 2016 on the file of VI Additional Family Court, Chennai.

2. It is the case of the revision petitioner that he has filed the Power of Attorney with proper petition, however, the power of attorney was returned with the endorsement 'file along with petition'. Hence, the petitioner has filed this revision petition.

3. In support of his contention, the learned counsel for the petitioner relied upon the decision of this Court reported in **(2003) 2 LW.431 (Pavithra, rep. by Power Agent S.Rajkumar Kalingarayar Vs. Rahul Raj)**.

4. In this case there is only an order of return endorsement and there is no reference regarding the representation after rectifying the defect pointed out in the order of return. The revision petitioner has not chosen to re-present the petition after complying the defect mentioned in the return. Therefore, this application is not maintainable. Without re-presenting the petition, the revision petitioner has approached this Court under Article 227 of the Constitution of India to issue a direction to the VI Additional Family Court, Chennai to take on file of the application filed by the petitioner for recognising the power of attorney assuring that the Family Court has returned the petition by either by over sight or by mistaken the

petitioner should have re-presented the petition stating the said reason. There is no such representation as referred by the petitioner. Therefore, this civil revision petition is premature in nature.

5. Hence, this Civil Revision Petition is dismissed as premature.

No costs. Consequently connected miscellaneous petition is closed.

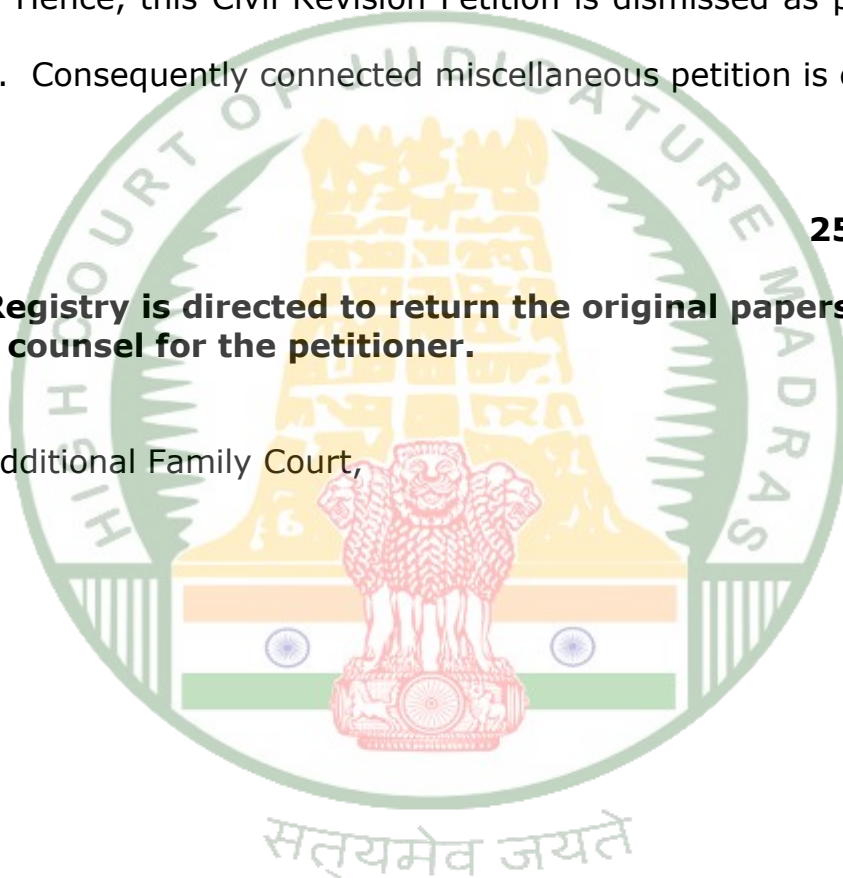
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Note: Registry is directed to return the original papers to the learned counsel for the petitioner.

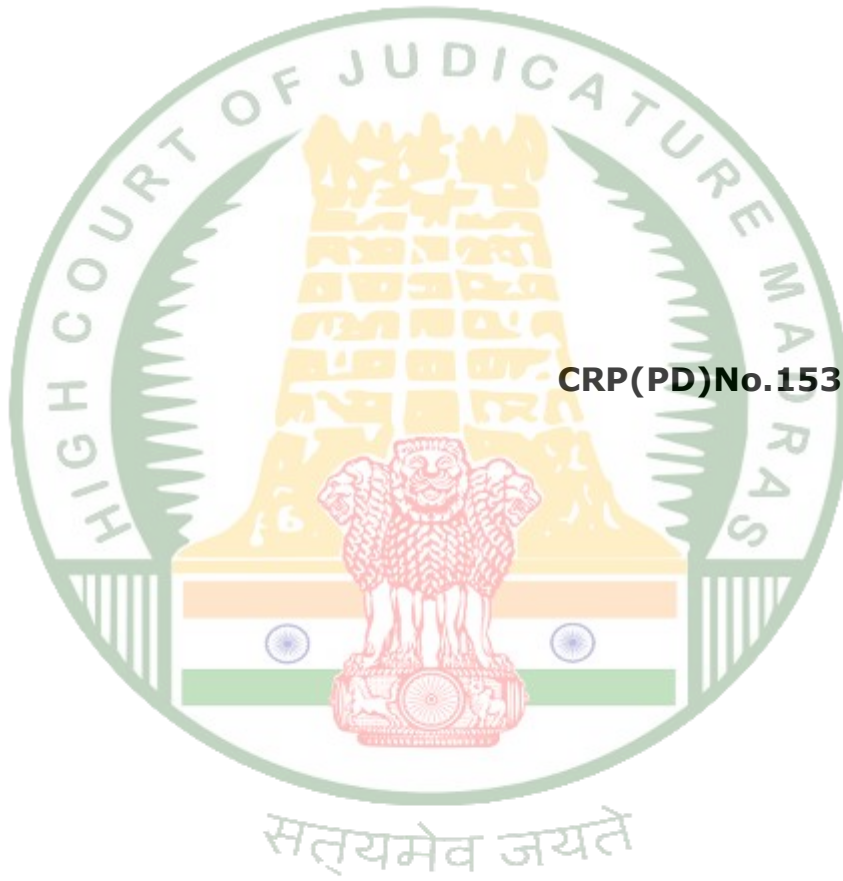
To

The VI Additional Family Court,
Chennai.



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P.VELMURUGAN, J.
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CRP(PD)No.1532 of 2018

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