

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.06.2018

Coram:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

C.R.P.(PD)No.3829 of 2016 and
C.M.P.No.19538 of 2018

Bobby Somasundaram ... Petitioner

Vs.

Geethanandh Kandasamy .. Respondent

Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the petition and order in I.A.No.1999 of 2016 in OPSR.No.9640 of 2015 dated 24.08.2016 on the file of the learned Principal District Family Court, Chennai.

For Petitioner : Mr.N.Umapathi
For Respondent : Mr.N.A.Kareem

ORDER

The civil revision petition has been filed against the order in I.A.No.1999 of 2016 in OPSR.No.9640 of 2015 dated 24.08.2016 on the file of the learned Principal District Family Court, Chennai.

2 The respondent is husband and petitioner is wife. The respondent/husband filed a petition for dissolution of marriage in O.P.Sr.No.9460 of 2015 before the Principal District Judge, Family

Court, Chennai, along with I.A.No.1999 of 2016 seeking to recognise power agent. The learned Principal District Judge, allowed the application by order dated 24.08.2015. Aggrieved against the above order, the petitioner/wife has filed this present revision.

3 The learned counsel for the petitioner/wife submitted that the power of attorney executed in favour of one Kandasamy, was not purchased neither in the name of the respondent/husband nor his power agent, which should not have been accepted. Further, in the above application, notice was not served on the petitioner/wife. Hence the order passed by the Family Court is liable to be set aside.

4 Heard the learned counsel for the petitioner/wife and perused the materials available on record.

5 On a perusal of the power of attorney, it reveal that it was not executed neither in the name of the respondent/husband nor in the name of his power agent. But it should not be the ground seeking to set aside the order dated 24.08.2015 recognizing the power agent. Further, mere recognition of power agent will not cause any prejudice to the petitioner/wife. However, the Family Court is directed to rectify

the above defect and collect stamp duty with penalty and thereafter proceed with the matter in accordance with law.

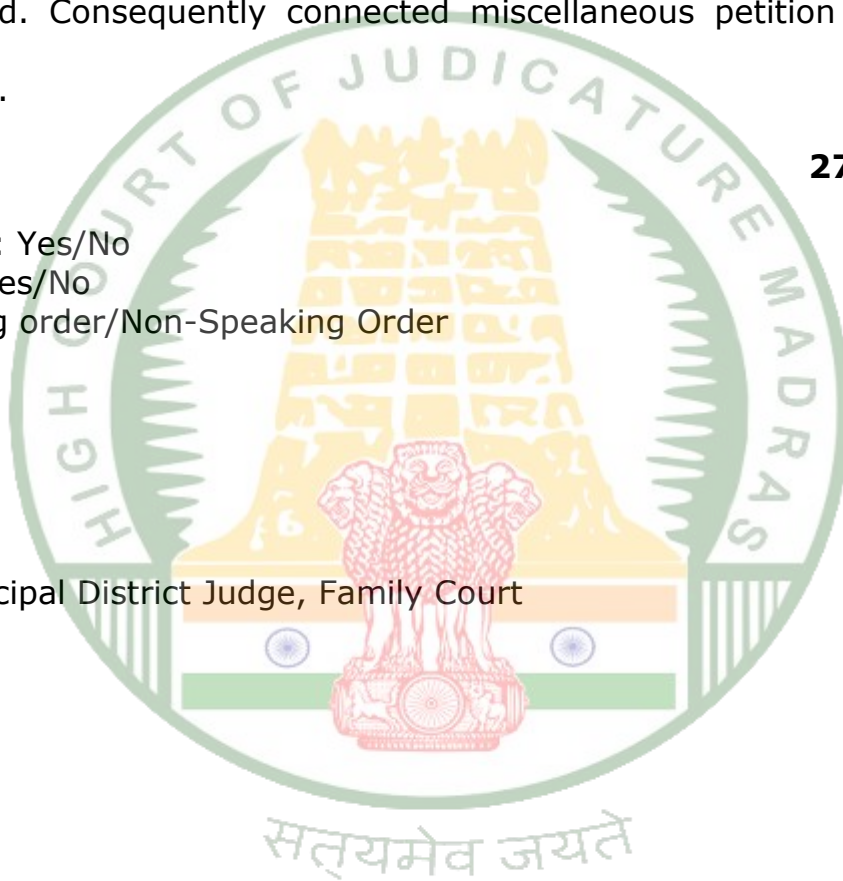
6 With the above directions, the civil revision petitions is dismissed. Consequently connected miscellaneous petition is closed.
No costs.

27.06.2018

Internet: Yes/No
Index: Yes/No
Speaking order/Non-Speaking Order

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To
The Principal District Judge, Family Court
Chennai.



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P.VELMURUGAN, J.,

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