



C.R.P(PD).No.2031 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.2031 of 2022
and C.M.P.No.10424 of 2022

Dinesh

... Petitioner

..Vs..

Ezhil Deepa Dinesh

... Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order passed in I.A.No.5 of 2021 in O.P.No.3938 of 2016 on the file of the learned IV Additional Judge, Family Court, Chennai dated 17.05.2022.

For Petitioner : M/s.K.Sumathi

For Respondent : Mr.N.Senthilkumar

ORDER

This Civil Revision Petition has been preferred challenging the order of the learned IV Additional Family Judge, Chennai, dated 17.05.2022 made in I.A.No.5 of 2021 in O.P.No.3938 of 2016.

2.The revision petitioner is the husband, who has filed proceedings in



C.R.P(PD).No.2031 of 2022

WEB COPY

H.M.O.P.No.3938 of 2016 before the Family Court, Chennai, for dissolution of marriage against the respondent. During the pendency of the proceedings, an Interlocutory Application was filed in I.A.No.5 of 2021 to permit Palaniswamy s/o. Late Munuswamy as Power Agent to appear on behalf of the petitioner and the said application was dismissed. Aggrieved over that, the petitioner has preferred this revision petition.

3.The learned counsel for the petitioner submitted that the petitioner is working in Hong Kong and he was regularly making his appearance before the Court. Due to Covid pandemic situation, no progress could be made in this case; considering the occupational difficulties and other attendant circumstances, his father should be allowed to act as Power Agent and make appearance on behalf of the petitioner during the course of proceedings.

4.The learned counsel for the respondent submitted that during the course of proceedings, the respondent was threatened by the father of the petitioner for whom, the permission is now sought; since the respondent is scared of the father of the petitioner, it may not be appropriate to allow him to act as the Power Agent for the petitioner; since the personal appearance of the



C.R.P(PD).No.2031 of 2022

WEB COPY

petitioner is also very much necessary, the Court has rightly dismissed the petition.

5.After hearing both side submissions, I feel a pragmatic approach should be taken in order to save the substantial interest of justice. It is seen that the petitioner is working at abroad and hence it may not be possible for him to make his appearance for each and every hearings. He has filed a petition seeking permission to allow his father Mr.Palaniswamy to act as his Power Agent. However, the respondent has got her own reservations in allowing Mr.Palaniswamy to act as Power Agent for the petitioner. She has stated that the said Palaniswamy was behaving very rudely and abused her in filthy language and damaged her car when she came for the Court hearings. In these kind of circumstances, to allow Mr.Palaniswamy to act as Power Agent for the petitioner would cause further complication and the proceedings cannot be conducted peacefully.

6. The records would show that the petitioner was making his appearance regularly at some point of the hearings. Later he could not make his appearance before the Court due to his occupational inconvenience. Considering all the



C.R.P(PD).No.2031 of 2022

WEB COPY

circumstances, I feel that this Civil Revision Petition should be disposed of with certain directions, but by confirming the order of the learned IV Additional Judge, Family Court, Chennai.

7.It is reliably learnt that the case is in the stage of cross examination of P.W.1. In that case, if the petitioner is available in India for a continuous period of two weeks, the cross examination of P.W.1 and R.W.1 can be completed.

8. The learned counsel for the respondent submitted that an Interlocutory Application filed for seeking interim maintenance for the wife has not yet been disposed and priority should be given to dispose the same also at the earliest.

9.Under such circumstances, this Civil Revision Petition is disposed of and the learned IV Additional Judge, Family Court, Chennai is directed to take all endeavours to complete the cross examination of P.W.1, the examination of the any other witnesses at the side of the petitioner and the examination of R.W.1(both in chief and cross) within a period of two weeks from 22.08.2022. If the petitioner's appearance is required for any other hearings, he shall be permitted to make his appearance through video conference. However, his



C.R.P(PD).No.2031 of 2022

personal appearance cannot be dispensed during the examination of witnesses.

In the meanwhile, the learned IV Additional Judge, Family Court, Chennai shall also dispose the petition in I.A.No.2263 of 2017. It is made clear that the nature of disposal made in I.A.No.2263 of 201 shall not in any way cause a bar to continue the proceedings in the main case. The order of the learned IV Additional Family Judge, Chennai, dated 17.05.2022 made in I.A.No.5 of 2021 in O.P.No.3938 of 2016 is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.07.2022

vkrr

Index: Yes No

Speaking Order: Yes/No

Note: Issue order copy on 28.07.2022

To

1. The IV Additional Judge,
Family Court, Chennai.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.

5/6



WEB COPY



C.R.P(PD).No.2031 of 2022

R.N.MANJULA,J.

Vkr

C.R.P.(PD).No.2031 of 2022
and C.M.P.No.10424 of 2022

27.07.2022