



C.M.P.No.21534 of 2023

in

C.R.P.No.3219 of 2023

V.BHAVANI SUBBAROYAN, J.

The case of the petitioner is that he has executed power of attorney to his father S.Subramani to represent the case filed by his wife in O.P.No.5480 of 2022. Hence, the power of attorney of the petitioner/ S.Subramani filed an application before the Family Court in S.R.No.5505 of 2023 to permit him to act as power of attorney holder to peruse the case filed by the respondent. However, the learned judge refused to number the petition and the same was in S.R.stage. It is pertinent to note when the said S.Subramani sought for return of papers, the said request was rejected. Hence, the petitioner has filed the above C.R.P to direct the Principal Family Judge, Chennai to number the I.A.Sr.No.5505 of 2023 in O.P.No.5480 of 2022, wherein this Court has passed an order on 30.08.2023 and directed the learned Judge to return the papers and stay was also granted till 29.09.2023. Notice and private notice was also issued to the respondent. Thereafter, when the matter was listed on 01.09.2023 before the family



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Court, Chennai, the learned counsel appearing for the petitioner made a submission that an order of interim stay was granted by this Court on 30.08.2023 and also attempted to file a memo to provide details with regard to the stay order passed by this Court. However, the learned Judge refused to receive the memo and adjourned the case mechanically. Subsequently, when the matter was listed on 07.09.2023, the petitioner herein was set ex-parte and now the case is posted to 11.10.2023 for ex-parte evidence. Hence, the petitioner has filed the C.M.P.No.21534 of 2023 to advance the hearing of the above Civil Revision petition as already this Court had already adjourned the matter to 29.09.2023 on 30.08.2023.

2.The learned learned counsel for the petitioner submitted that inspite of the orders passed by this Court on 30.08.2023, wherein a direction was issued to the learned Judge not to return the papers and stay was also granted, the learned Judge has proceed the case further. Hence he prays this Court to allow this petition.



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3. It is seen from records that the petitioner has approached the Court in proper perspective by filing separate petitions to dispense with the appearance of the petitioner before the Trial Court, to permit the holder of the power of attorney to peruse the case and to grant permission to him to conduct the case through video conference as his son is in U.S.A and all the said applications was rejected. Furthermore, the learned Judge has not analyzed the case in proper manner by not granting sufficient time to the counsel to produce the records and inspite of the orders passed by this Court on 30.08.2023 the learned Judge had posted the case for recording ex-parte evidence which reveals the learned Judge has not followed the orders passed by this Court.

4. In view of the above, this Court instructs the learned Principal Family Judge, Chennai to be diligent in this issue, as it is a matrimonial dispute in a family. Hence, the Family Judge is expected to be efficient while disposing of such matters as they are delicate and sensitive. However,



the learned Judge is directed not to proceed with the O.P.No.5480 of 2022 until further orders granted by this Court and violation if any, the same will be taken cognizance by this Court.

15.09.2023

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Note: The Registry is directed to issue order copy on 15.09.2023.

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