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C.R.P.No.4305 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.4305 of 2024

R.Srinivasa Raghavan .. Petitioner

Versus

E.Shanmuga Priya .. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the impugned docket order dated 09.10.2024 passed in O.S.SR.5938 of 2024 by the Principal Judge, Family Court, Chennai and set aside by directing the Principal Family Court to receive O.P.SR 5938 of 2024 through the power agent of the petitioner and number the same.

For Petitioner : Ms.K.Santhakumari

ORDER

This civil revision petition seeks for a direction to the learned Principal Family Court, Chennai to receive and number O.P.SR5938 of 2024.



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2. O.P.SR5938 of 2024 was presented by one Srinivasa Raghavan who is represented by his power agent, Loganathan, in whose favour a registered power of attorney has been executed in document No.213/2024 on the file of Sub Registrar at Velachery. When the said O.P. was presented on 05.10.2024 by Loganathan before the Family Court at Chennai, the said petition was returned by the Family Court stating that the petition has to be filed by Srinivasa Raghavan himself and not by a power agent, Loganathan.

3. A perusal of the power of attorney shows that as per clause 5 at page No.29 of the typed set of papers, the said power agent has been authorised to file the divorce petition and all other incidental proceedings for him in the said matter. Therefore, it cannot be disputed that the power has been authorised to present the said petition.

4. Whether the presence of the petitioner/Principal is necessary has been discussed by this Court in CRP.No.1994 of 2024 dated 18.10.2024. The Hon'ble Mr. Justice M.Nirmal Kumar has directed that the petition can be filed either by the parties directly or by a power agent of the parties



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provided power of attorney is registered or properly adjudicated. In this case as pointed out above, the power of attorney is a registered document.

5. In the light of the clear and categorical judgment of Mr. Justice M.Nirmal Kumar, there shall be a direction to the Principal Family Court to receive O.P.SR5938 of 2024 on it being re-presented by the power agent Loganathan. The Family Court shall **number the same**, if it is otherwise in order.

6. With the above direction, this civil revision petition is dismissed.

No costs.

23.10.2024

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Note: Office is directed to return the original divorce petition enclosed along with this revision to the learned counsel for the petitioner after obtaining usual endorsement.

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

To



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WEB COPY The Principal Judge, Family Court, Chennai



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V.LAKSHMINARAYANAN, J.

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