



C.R.P.(MD)No.61 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.61 of 2024

and

C.M.P.(MD)No.323 of 2024

Priya ... Petitioner / Respondent / Appellant
(Minor Atchaya Bharathi and Minor Kanishka Bharathi
are represented by mother and natural guardian)

Vs.

Saravanapandian ... Respondent / Petitioner / Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the fair and decreetal order passed in I.A.No.5 of 2023 in G.W.O.P.No.106 of 2023 dated 30.08.2023 on the file of the Family Court, Sivagangai.

For Petitioner : Mr.S.Sarvagan Prabhu

ORDER

This petition has been filed against the fair and decreetal order passed in I.A.No.5 of 2023 in G.W.O.P.No.106 of 2023 dated 30.08.2023 on the file of the Family Court, Sivagangai.



C.R.P.(MD)No.61 of 2024

WEB COPY

2.The petitioner, who is the wife, claiming custody of the children filed G.W.O.P.No.106 of 2023 before the Family Court, Sivagangai. After filing the counter by the respondent, now it is posted for enquiry. Pending the above said process, the respondent went to abroad and in his place one Senthil Nathan, who is the brother of the respondent filed a petition to recognize him as power agent under Order 3 Rule 1 of CPC and that came to be allowed by the trial Court stating that the objection raised by this petitioner is not tenable and apart from that it is also observed that the brother alone can give evidence exclusively within his knowledge as the power agent.

3.Now the grievance of the petitioner is that since the husband went abroad the matter is kept pending without any progress. Now the child is in the custody of the power agent namely Senthil Nathan. So she wants early disposal.

4.Considering the above said situation, there shall be a direction to the trial Court namely the learned Family Court, Sivagangai, shall



C.R.P.(MD)No.61 of 2024

expedite the trial process in G.W.O.P.No.106 of 2023 and dispose of the same within a period of three months from the date of receipt of a copy of this order.

5.It is also clarified that the respondent who is the husband of the petitioner want to give evidence, he must give evidence on his behalf. The power agent cannot give any evidence on behalf of Principal. It is settled preposition of law that the power agent can give evidence only which are exclusively within his knowledge and not with regard to the actual issue between the parties.

6.With the above said clarification, this petition stands disposed of, of course with the above said direction. No costs. Consequently, connected miscellaneous petition is closed.

11.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1.The Family Court, Sivagangai.
2.The Section Officer,

3/5



C.R.P.(MD)No.61 of 2024

E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.

WEB COPY



WEB COPY



C.R.P.(MD)No.61 of 2024

G.ILANGO VAN,J.

TM

C.R.P.(MD)No.61 of 2024

11.01.2024