



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2978-2024(O&M)

Date of Decision: August 05, 2024

Manpreet Kaur
...Petitioner

Versus

Varinderjeet Singh
...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.G.S.Sidhu, Advocate
for the petitioner.

Mr.Mohit Kumar, Advocate
for the respondent.

ARCHANA PURI, J.

Challenge in the present revision petition is to the order dated 12.04.2024 (Annexure P-1) passed by learned Family Court, whereby, an application for exemption to file embossed SPA and recording of statement through VC was dismissed.

The facts, as culled out from the paperbook, are as follows:-

That, initially, Manpreet Kaur and Varinderjeet Singh had filed a petition under Section 13-B of the Hindu Marriage Act for dissolution of their marriage, with mutual consent. The said petition was filed by Manpreet Kaur through her Special Power of Attorney holder, namely, Gurmeet Kaur w/o Sh.Kewal Singh, who is the mother of the petitioner.

**CR-2978-2024****-2-**

However, before the first statement could be recorded by the Court, an application was filed, at the instance of Gurmeet Kaur, mother of Manpreet Kaur, thereby, seeking exemption from getting the embossing of Special Power of Attorney dated 30.09.2023 and for recording the statement of Party No.1 via Video Conferencing at her home, through Whatsapp Video Call.

In the application, it was submitted that as the Court had ordered to get embossed Special Power of Attorney dated 30.09.2023 from the office of Deputy Commissioner, Barnala, Gurmeet Kaur had gone to the office of Deputy Commissioner and the officials told her that Manpreet Kaur is required to get attested the Special Power of Attorney dated 30.09.2023 from High Commission of India in United Kingdom, which is a pre-condition for embossing the same by them. Furthermore, in the application, it was asserted that Harpreet Kaur has been residing in Hounslow (U.K.) and is unable to reach High Commission of India, due to certain health issues, as she fell in the washroom and has been suffering from spinal injury. In the given circumstances, exemption from embossing of the Special Power of Attorney was sought.

However, vide impugned order, the said application was dismissed.

Feeling aggrieved, the petitioner had filed the present revision petition. Even, the respondent made appearance through counsel.

Learned counsel for the parties heard.

The sole question to be adjudicated in the present revision

**CR-2978-2024****-3-**

petition is with regard to the embossing of the Special Power of Attorney dated 30.09.2023. Undisputedly, the petitioner is residing in Hounslow (U.K.). The copy of the Special Power of Attorney, allegedly executed by Manpreet Kaur, in favour of her mother is Annexure P-4. However, it is pertinent to mention that even though, this Special Power of Attorney is alleged to have been executed in Hounslow (U.K.), but however, it does not bear any endorsement made by the High Commission of India in U.K. It also does not bear the embossment.

Furthermore, rightly it has been observed by learned trial Court that attestation of the attorney by the High Commission of India is indispensable to ensure the identity of a person, who appoints some other person as attorney. No reason, as such, is put forth by the petitioner, as to why this attorney was not presented before the High Commission of India in U.K. Even though, it is now submitted that Manpreet Kaur is having medical issues, as she is suffering from spinal injury by fall in the washroom, but no material, as such, is coming forth.

In fact, it is pertinent to mention that even, nowhere in the application itself, it is mentioned about the manner in which, Manpreet Kaur had executed this Special Power of Attorney and the manner of its having come to the hands of her mother Gurmeet Kaur. Even if, the petitioner is having some medical ailment, still, she could make a request before the authorities concerned, for embossing the Special Power of Attorney, in any manner, as considered by the High Commission, but however, no such steps have been taken.



Considering the same, learned trial Court has appropriately dismissed the said application. Furthermore, even laxity has been given by learned trial Court to the petitioner to approach the authority concerned, for doing the needful.

Considering the circumstances, spelt out, the impugned order brooks no interference. Hence, the revision petition sans merit and the same is hereby dismissed.

August 05, 2024
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No