



WEB COPY



CRP.No.5159 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5159 of 2025 and
CMP.No.26011 of 2025

Mr. Vishi Dharmarajan

... Petitioner

Vs.

Mrs. Swathi Subramanian

...Respondent

PRAYER : Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the impugned order dated 22.01.2025 passed in I.A.No.2 of 2024 in H.M.O.P.No.4636 of 2023 on the file of the Hon'ble III Additional Family Court, Chennai.

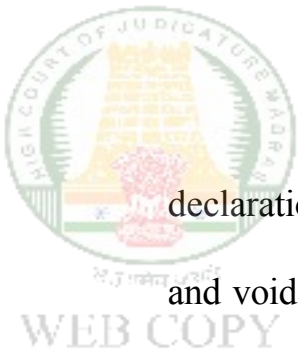
For Petitioner

: Mr.J.Pranav Reddy
for M/s.Parish Legal

ORDER

The Civil Revision Petition is filed challenging the order passed by the III Additional Family Court, Chennai, dismissing the application filed by the petitioner seeking to recognise Mr.J.Sridharan as his power of attorney in the proceedings before the Court.

2. The respondent herein filed HMOP.No.4636 of 2023 seeking a



declaration that the marriage between the petitioner and the respondent was null and void. The petitioner is a permanent resident of New Zealand and hence, he is not in a position to attend the court proceedings in person. Therefore, he executed a power of attorney on 01-03-2024 in favour of said J.Sridharan authorizing him to represent him before the Court.

3. The petitioner filed the instant application under Order 3 Rule 6 of CPC seeking to permit his power agent Mr.J.Sridharan to appear on his behalf before the court. The said application was rejected by the court below on the ground that the power agent is not a blood relation and the power deed produced by the petitioner was not duly adjudicated in India with regard to payment of stamp duty. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel for the petitioner, by relying on the order passed by this Court in the earlier CMP, submitted that this Court directed the Family Court to receive the power of attorney produced by the petitioner and hence, the present order passed by the Family Court is not correct.

5. It is settled law that if the power of attorney is executed out of India in



white paper, necessary stamp shall be affixed and the same shall be adjudicated within a prescribed time as soon as the document is received in India. In this regard, reference may be to had to ***K.Gopinathan and others Vs S.Savarimuthu Sebastian and Others*** reported in ***2021 (7) MLJ 355= MANU/TN/5616/2021***. The relevant observation reads as follows:-

The learned counsel for the first appellant/third defendant further relied upon the un-reported judgment of this Court in C.R.P. (PD) Nos. 1793 to 1798 of 2011(Hamshaveniammal v. Stanley Paul) in which it has been held as follows:-

"14. According to the power agent of the petitioner, the respondent in both the civil revision petitions are working in abroad and they have executed power of attorney before the consulate officer by respondent in C.R.P. (PD) No. 1795/second defendant and before Notary Public by respondent in C.R.P. (PD) No. 1796/third defendant. The power of attorney is not registered as per Section 18 of Indian Stamp Act and said power of attorney is not a valid one. The learned Judge, allowed the applications on the ground that the power of attorneys are executed before the



WEB COPY



CRP.No.5159 of 2020

consulate officer and Notary Public and they need not be registered. The learned Judge has committed an irregularity in allowing both the applications. The learned Judge failed to see that any power of attorney executed outside India it is to be adjudicated in India as per the provisions of Section 18 of the Indian Stamp Act. The power of attorney having failed to get adjudicated by a competent Sub-Registrar, is not entitled to represent the respondent, as power of attorney are not valid."

25. Accordingly, the Power of Attorney executed outside India has to be adjudicated in India as per the provisions of Section 18 of the Indian Stamp Act. The Power of Attorney having been failed to get adjudicated by a competent authority is not entitled to represent the plaintiff as Power holder and it is not valid.

6. In the case on hand, admittedly, the power deed produced by the petitioner is not stamped and adjudicated after receipt of the document in India. In such circumstances, the same cannot be presumed to be valid before any public authority in India. The Family Court rightly dismissed the application filed by the petitioner on the ground that the power deed produced by him is not



CRP.No.5159 of 2025

properly adjudicated. Regarding the adjudication of the document and stamping of the same, in the earlier order, this Court has not given any directions. In such circumstances, the petitioner cannot take advantage of the earlier direction issued by this Court and submit that the power deed executed in an un-stamped paper shall be acted upon by the Court. The said submissions made by the learned counsel for the petitioner is not acceptable to this court. Accordingly, the civil revision petition stands dismissed. It is open to the petitioner to file a properly adjudicated power of attorney before the court below and seek necessary permission. Consequently, the connected miscellaneous petition is closed. No costs.

29.10.2025

Index : Yes
Internet : Yes
nr

To

The III Additional Family Court, Chennai.



WEB COPY



CRP.No.5159 of 2025

S.SOUNTHAR, J.

nr

CRP.No.5159 of 2025 and
CMP.No. 26011 of 2025

29.10.2025