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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.738 of 2024

Mary Josephine Sheila

...Petitioner/Petitioner

Vs.

Joseph Xavier Jeyanth

...Respondent/Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the learned Judicial Magistrate No.II, Thoothukudi, to conduct the trial by either allowing the power of attorney to represent the case or through video conference by adhering to Rule 4 of the Madras High Court Video Conferencing in Courts Rules, 2020, and thereby dispense with the physical presence of the petitioner in D.V.C.No. 99 of 2023.

For Petitioner : Mr.A.Robinson

For Respondent : No appearance

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ORDER

The revision petition has been filed by the petitioner in D.V.C.No.99 of 2023, on the file of the Judicial Magistrate No.II, Tuticorin, under Article 227 of the Constitution of India, to issue a direction to the concerned Judicial Magistrate to conduct the trial by either allowing the power of attorney to represent the case or through Video Conference by adhering to Rule 4 of the



Madras High Court, Video Conferencing in Courts Rules, 2020, and thereby, dispense with the physical presence of the petitioner.

2. Though the respondent was served and represented through the Counsel, the Counsel has reported "no instructions" and therefore, the name of the respondent is printed. There is no appearance either in person or through the some other Counsel.

3. A perusal of the D.V.C. complaint reveals that the petitioner/wife is now working as a Chartered Accountant at Syringa Enterprises, Mazabuka, Zambia. The complaint has been presented through the power agent namely, Mr. M. Gladwin, instead of filing an application to accept the power agent, a memo has been filed by the Counsel for acceptance of the power of attorney.

4. It is the grievance of the revision petitioner that the learned Judicial Magistrate is insisting for the physical presence of the petitioner for hearings and not permitting the petitioner either to be represented through the power of attorney or permitting the petitioner to appear through Video Conferencing. Hence, the present revision petition.



5.The learned Counsel appearing for the revision petitioner has relied upon a judgment of our High Court reported in **(2024) 6 MLJ 153**, wherein this Court has directed the Family Courts not to insist upon the physical presence of the petitioner at the time of presenting the petition or for future hearings. This Court has also directed the Courts to accept the power of attorney of the parties, provided the power of attorney is a registered one or a properly adjudicated one. This Court has further permitted the parties to be presented through virtual mode from their respective places and the place of location, identifying the person to be confirmed with relevant documents.

6.The learned Counsel appearing for the revision petitioner has also relied upon a judgment of this Court reported in **CDJ 2025 MHC 627**, paragraph No.81 to 84 are extracted as follows:-

“81. Likewise, the parties before the Family Court may file any application for interim relief in accordance with the CPC by himself/herself or through the power agent or through the advocate. The counter for such an application may be filed by the advocate or the power agent of the other party. A soft copy of the petition or counter, as the case may be, if presented through advocate or power agent, must be e-mailed to the Court on the same day of presentation.



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82. *At the time of hearing the application, the party/parties may be represented by their advocate or power of attorney. However, if the Family Court insists on the appearance of the parties themselves, and if the parties are not in a position to appear in person, an application to appear in video conferencing may be filed by the party through the advocate or power of attorney. This application must specifically state the email address of the party seeking to appear online for the purpose of communication of hearing details by the Court. This application, to appear in video conferencing, must be decided first and the Court, like in the Rule 41 petition, must adopt a liberal approach while adjudicating the video conferencing application.*

83. *While allowing the video conferencing application, the Court must also fix a hearing date and time that would be convenient and feasible for all the parties and the Court itself. The Court must inform while allowing the application the date and time at which the video conferencing proceedings would be carried on. In the event, it is not possible to inform immediately, then the Court must inform the assisting counsel about the dates. If no assisting counsel is available, then the Court must e-mail the details of the video conferencing to the parties seeking to appear in video conferencing at least three days before the hearing date. Here it is pertinent to mention that the parties appearing in*



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video conferencing can access the video conferencing link from the official website of the Court.

84.And, to enable the Court to verify the identity of the party appearing in video conferencing, the party must e-mail the soft copy of a government issued identity document to the Court. On the appearance of the party in video conferencing, the party must be identified either by his/her advocate or the power agent before the Court. While disposing of the application for interim relief, the Court must specify that such party appeared through video conferencing.”

7.Though these judgments are related to the proceedings before the Family Court, the same are equally applicable to the proceedings initiated before the Judicial Magistrate Courts under the Domestic Violence Act. However, so far, the petitioner has not chosen to file any proper application for re-presenting herself through a power agent. In case, any such application is filed, the same shall be considered in the light of judgment as cited supra. For further hearings, the physical presence of the petitioner may not be insisted upon and she may be permitted to appear through Video Conferencing, subject to the conditions laid down by this Court.



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8. In view of the above said deliberations, this Civil Revision Petition stands allowed to the extent as stated above. No costs.

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Internet: Yes/No

Index: Yes/No

RJR

To

The learned Judicial Magistrate No.II,
Thoothukudi.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

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