



WEB COPY

CRP No. 1821 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

CRP No. 1821 of 2026

S.M.Stalin

..Petitioner(s)

Vs

Kayalvizhi Sampathkumar

..Respondent(s)

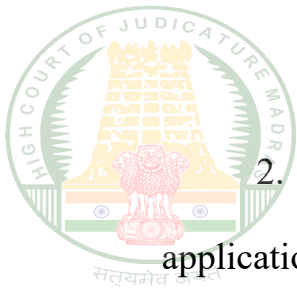
Prayer:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India seeking to set aside the Order passed in IA.No.1 of 2025 and HMOP.No.145 of 2024 dated 23.08.2025 on the file of the Ld Subordinate Judge, Alandur, and consequently allow IA.No.1 of 2025 striking out the pleadings in HMOP.No.145 of 2024.

For Petitioner(s): Mr.A.Siva Raman

For Respondent(s): Mr.T.Jayaramaraj

ORDER

This Civil Revision Petition (CRP) has been filed challenging the impugned order dated 23.08.2025 passed by the Sub-Court, Alandur, in I.A.No.1 of 2025 in HMOP.No.145 of 2024. Under the aforesaid order, the application filed by the petitioner, who is the husband of the respondent, seeking to strike out the pleadings in HMOP.No.145 of 2024 and institute an enquiry against the respondent and the Power of Attorney, has been dismissed.



2. The trial Court, under the impugned order, had dismissed the application filed by the petitioner by giving the following reasons:-

(a) The affidavit was signed by the respondent and the same was duly notarised by one Kenneth W.Kotyk, Barrister, Solicitor & Notary Public in and for the Province of Alberta Canada.

(b) The very same notary had also attested the counter.

(c) In the petition filed by the respondent/wife, Power of Attorney was not mentioned.

(d) Presenting a petition through a Power of Attorney is different from filing a petition through a Power of Attorney.

(e) The intention of the petitioner/husband is not bonafide and genuine.

(f) When the respondent/wife had alleged cruelty and desertion, filing of the present application by the petitioner is without any basis.

(g) For filing a frivolous petition, the petitioner has been imposed with costs of Rs.10,000/-.

3. The learned counsel for the petitioner is appearing through Video Conferencing. He would submit that as per the Hague Apostille Convention,



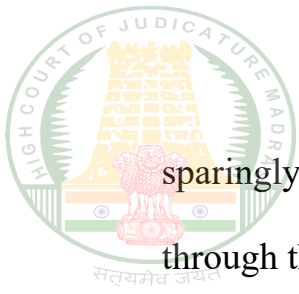
there is a procedure contemplated for filing of document before the court of law.

According to the petitioner, the respondent, who is a permanent resident of Canada, ought to have filed the document before the court by following the procedure as contemplated under the Hague Apostille Convention. According to the petitioner, despite the petitioner having taken such a stand in the affidavit filed in support of the aforesaid interlocutory application, the trial Court had failed to take note of the said contention under the impugned order.

4. The trial Court under the impugned order has given various reasons for dismissing the petitioner's application as stated supra. With regard to improper attestation of the document, the trial Court had also given reasons for rejecting the said contention.

5. Though the petitioner may have raised other grounds, which also revolve around improper attestation of the document by the petitioner for filing the same before the Court, the sum and substance of the petitioner's contention, namely, improper attestation of the document, has been addressed by the trial Court under the impugned order by giving plausible reasons.

6. This Court is now dealing with a revision petition filed under Article 227 of the Constitution of India. The High Court while exercising jurisdiction under Article 227 of the Constitution of India has to use the said provision



sparingly. The very same grounds raised by the petitioner before this Court through this CRP under Article 227 of the Constitution of India can very well be raised once again before the trial Court at the time of arguments in the main HMOP. Because of the stay obtained by the petitioner before this Court in this petition, the proceedings in HMOP.No.145 of 2024 has been stalled. When the trial Court has given reasons for dismissing the petitioner's application, and the said reasons cannot be also treated as unjustifiable reasons, the question of interfering with the impugned order through this CRP under Article 227 of the Constitution of India does not arise. Therefore, this Court is not interfering with the impugned order. However, liberty will have to be given to the petitioner to raise all the contentions that have been raised before this Court in this CRP at the time of final arguments in HMOP.No.145 of 2024.

7. The learned counsel for the respondent on instructions fairly concedes that the cost imposed by the trial Court against the petitioner under the impugned order, namely, Rs.10000/-, can be set aside by this Court.

8. For the foregoing reasons, this Court is not interfering with the impugned order excepting for interfering with the cost of Rs.10000/- imposed on the petitioner. Accordingly, this Civil Revision Petition is disposed of in the following manner:-



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(a) The petitioner is granted liberty to raise all the contentions that have been raised before this Court in this CRP, during the course of the petitioner's arguments in HMOP.No.145 of 2024.

(b) Since the matter is ripe for trial, Sub-Court, Alandur, is directed to dispose of HMOP.No.145 of 2024 within a period of six months from the date of receipt of a copy of this order.

(c) The cost of Rs.10,000/- imposed by the trial Court on the petitioner is set aside by this Court.

No Costs. CMP.No.8234 of 2026 is closed.

01-07-2026

Neutral Citation: Yes/No
RKM

To
Sub-Court,
Alandur.



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ABDUL QUDDHOSE, J.

RKM

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