



WEB COPY

CRP No. 2806 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 30-04-2026**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CRP No. 2806 of 2026 and  
CMP No.11542 of 2026**

R.Vivek

Petitioner

Vs

1. Suchithra R.  
2.V.P.Girija  
3.R.Radhakrishnan

Respondents

**PRAYER** This Civil Revision Petition filed under Section 227 of the Constitution of India, seeking to quash the order which set the petitioner herein as ex-parte in DVC No.17 of 2025, dated 09.02.2026, passed by the Judicial Magistrate-I at Tambaram.

For Petitioner: Mr.A.Leeban

**ORDER**

This Civil Revision Petition is filed seeking to quash the order, dated 09.02.2026 which set the petitioner ex-parte in DVC No.17 of 2025 on the file of the Judicial Magistrate-I at Tambaram.

2. Heard Mr.A.Leeban, learned counsel for the petitioner. Since no adverse orders are going to be passed in the Civil Revision Petition, notice to the respondent is dispensed with.



3. The learned counsel for the petitioner would submit that as the revision petitioner / husband is working as a Marine Engineer on board sailing, he is not able to appear before the trial Court viz., Judicial Magistrate-I at Tambaram for hearings in DVC No.17 of 2025 and that he has given power of attorney to his father and to to that effect, an application has been filed on 13.10.2025 through his counsel. Without considering the same, the Trial Court set the petitioner exparte holding that he did not appear before the Trial Court. Hence, the learned counsel prays for quashing of the said order. He would further submit that the case was posted for evidence on 24.02.2026.

4. A perusal of the records shows that since the revision petitioner is working as a Marine Engineer, has given power of attorney to his father on 08.10.2024 and to accept the power of attorney, he has also filed an application through e-filing on 13.10.2025 along with power of attorney, but so far the application has not been numbered. In the meantime, the Trial Court set the petitioner exparte due to his non appearance.

5. Considering the above, this Court is of the view that though the power of attorney application has been presented before the Trial Court even in the month of October 2025 itself, without numbering the same for consideration, the Trial Court has passed the exparte order against the petitioner erroneously.



6. Therefore the order dated 09.02.2026 made in DVC No.17 of 2025 on the file of the Judicial Magistrate-I at Tambaram is set aside. the Trial Court is directed to number the power of attorney application which has been filed on 13.10.2025, within a period of two weeks from the date of receipt of a copy of this order and thereafter proceed with the case in accordance with law.

7. With the above direction, this Civil Revision Petition stands allowed.  
No costs. Consequently, connected miscellaneous petition is closed.

**30-04-2026**

vum

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

The Judicial Magistrate-I at Tambaram.



WEB COPY

CRP No. 2806 of 2026



**T.V.THAMILSELVI J.**

vum

**CRP No. 2806 of 2026 &  
CMP No.11542 of 2026**

**30-04-2026**