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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30-10-2026

CORAM

THE HON'BLE MS.JUSTICE R. POORNIMA

CRP(MD) No. 532 of 2026

CNR:{HCMD010246082026}

and

CMP(MD)No.2347 of 2026

F. Parveen Sulthana,

..Petitioner(s)

Vs

M. Sheik Mohideen

Rep. by his Power of Attorney
M.Beesha Beevi

..Respondent(s)

PRAYER: J-36. Civil Revision Petition filed under Article 227 of The Constitution of India to allow the above Civil Revision Petition by setting aside the impugned docket order passed in I.A. No. 1 of 2025 in O.S. No. 129 of 2025 dated 09.09.2025 on the file of the Family court, Madurai.

For Petitioner(s) :M/s S.Mohamed Kadhar
M/s V.G.S. Murugan

For Respondent(s) :Kameswaran S

ORDER

This civil revision petition is filed against the docket order dated 09.09.2025 passed in IA.No.1 of 2025 in OS.No.129 of 2025 on the file of the Family Court, Madurai.

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2. The petitioner is the wife and the respondent is her husband. The marriage between the petitioner and the respondent was solemnized on 14.05.2023. The respondent/husband filed a petition seeking dissolution of marriage between the parties. Subsequently, the petitioner/wife filed a petition for restitution of conjugal rights in O.S. No. 36 of 2026. While the aforesaid proceedings were pending, the respondent/husband filed an interlocutory application before the Trial Court seeking permission to appoint his mother as his Power of Attorney holder to represent him in the proceedings. The Trial Court allowed the said application and permitted the respondent to appoint his mother as his Power of Attorney holder. Aggrieved by the order passed by the Trial Court permitting the respondent/husband to appoint his mother as his Power of Attorney holder, the petitioner/wife has preferred the present Civil Revision Petition.

3. The petitioner submits that she is not aware whether the respondent has executed a Power of Attorney in favour of his mother, as he has not furnished any particulars regarding his employment or the necessity for appointing her as his Power of Attorney holder. However, she admits that the respondent is presently appearing before the Family Court through video conferencing, which indicates that he is residing and

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working abroad.

4. The petitioner further submits that, on earlier occasions when the matter was posted for mediation with a view to arriving at an amicable settlement, the respondent deliberately avoided appearing for mediation and thereby failed to make any effort to settle the dispute amicably. She further contends that a Power of Attorney holder can be appointed only for limited purposes and cannot be permitted to depose on behalf of the principal in respect of matters within his personal knowledge. In support of her contention, she relies upon the judgment of this Court in C.R.P. (PD) No. 3617 of 2012, dated 09.03.2017.

5. The learned counsel for the respondent, at this juncture, submits that the respondent is willing to appear before the Court and adduce evidence and make himself available for cross-examination. However, he submits that the respondent seeks to appoint his mother as his Power of Attorney holder only for the limited purpose of representing him in the proceedings.

6. This Court accepts the said contention only to the extent of permitting the Power of Attorney holder to file petitions and other

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documents on behalf of the respondent. The Power of Attorney holder is permitted to appear before the Court for the said limited purpose. However, the respondent shall personally appear before the trial Court for examination and cross-examination, as he alone has personal knowledge of the relationship between the parties. Therefore, the order passed by the Trial Court is modified to the extent that the Power of Attorney holder is permitted to appear before the Court and file petitions and documents on behalf of the respondent. The respondent is directed to appear before the Court and adduce evidence when the matter is posted for trial. Since the respondent is presently working abroad, his personal appearance on every hearing date is not possible for him.

7. With the above modification, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

30-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RM

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To

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

2. The Family court, Madurai

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R.POORNIMA, J.
RM

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