



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1821 of 2026

AND

CMP NO. 8234 OF 2026

1. S.M.Stalin

S/o. Subbarayan Mariappan, No.28/34,
Periyar Nagar, Adambakkam, Chennai -
600088.

Petitioner(s)

Vs

1. Kayalvizhi Sampathkumar
D/O. N.Sampath Kumar, No.6/9,
Parameswaran Nagar 2nd Street, Near
Post Office, Adambakkam, Chennai -
600088. Temporarily residing at
No.327, Casadona Place, Seton Park,
South East, Calgary, T3M 3B4, Canada.

Respondent(s)

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PRAYER

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 Subordinate Judge, Alandur and consequently allow IA.No.1 of 2025 striking out the pleadings in HMOP.No.145 of 2024 and pass such further or other orders as this Court may deem fit and proper and thus render justice

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

For Respondent(s):

**ORDER**

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Challenging the order passed in IA.No.1 of 2025 in HMOP.No.145 of 2024 by the Subordinate Judge, Alandur, the petitioner filed this Civil Revision Petition.

2.The Petitioner herein filed I.A. No. 1 of 2025 in H.M.O.P. No. 145 of 2024, which is pending on the file of the Learned Subordinate Judge, Alandur. The said application was filed under Order VI Rule 16 of the Code of Civil Procedure to strike out the Respondent's pleadings and to initiate an enquiry against the Respondent for procedural irregularities and a fraudulent Power of Attorney (POA). The Respondent, who is currently residing in Canada, has contested the proceedings through her brother, acting as her Power of Attorney holder. However, the said POA was not executed in accordance with the prescribed legal procedure; specifically, the Respondent has not traveled to India to execute the document, nor was it properly authenticated as required under Rule 17 of the Civil Rules of Practice. However, without considering the above fact, the Trial Court dismissed the application filed by the petitioner.

3. The learned counsel for the petitioner submits that as on date, respondent residing in Canada along with daughter she never appeared before the Trial Court as she contested through her brother(POA) and not allowing the petitioner to talk with daughter. Even the signature in Vakalatnama shows



serious inconsistencies and variations.

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4. Admittedly on perusal of the records it shows that the respondent residing in Canada but she filed Vakalat in India. The Court should verify the address before numbering petition and also this Court wants to know whether she had signed in Vakalatnama.

5. Admit. Issue notice to the respondent through Court as well as Lower Court returnable by 08.06.2026. Private notice is also permitted. She is directed to appear before this Court through Video Conference on 08.06.2026. Post on 08.06.2026.

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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