

ITEM NO.13 Court 11 (Video Conferencing)

SECTION XII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 22773/2021

(Arising out of impugned final judgment and order dated 15-02-2021 in CRP No. 197/2021 16-07-2021 in RA No. 74/2021 passed by the High Court of Judicature at Madras)

M. ARUNADEVI &amp; ANR.

Petitioner(s)

VERSUS

V. VINOD KUMAR

Respondent(s)

(FOR ADMISSION and I.R. and IA No.132540/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.132538/2021-PERMISSION TO FILE PETITION (SLP/TP/WP/..) )

Date : 22-10-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Ms. Srishti Agnihotri, Adv.  
Mr. Abishek Jebaraj, AOR  
Ms. Sanjana Grace Thomas, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Permission to file special leave petition is granted.

The petitioner No.1 is wife and petitioner No.2 is her counsel. The petitioners are aggrieved against an order passed by the High Court on 15.02.2021 and in review on 14.09.2021 whereby, the High Court has passed remarks against the counsel and imposed costs of Rs.500/-.

The High Court has, time and again in the impugned orders observed that petitioner No.2 has interrupted the court proceedings without filing the Vakalat-Nama (Power of Attorney) and that she

interrupted the proceedings time and again.

It is the case of petitioner No.2 that she is representing petitioner No.1/wife before the Family Court. Therefore, she is entitled to represent her client in all further proceedings before the Appellate Court or Revisional Court in terms of Order III Rule 4 of the Code of Civil Procedure, 1908. The High Court has further held that the husband has paid the amount of maintenance, therefore, there was a direction issued to decide the divorce petition in a time bound manner.

Keeping in view the nature of the order, we do not think that it is necessary to issue notice to the respondent. The adverse observations recorded against petitioner No.2 - Ms. S. Sridevi, learned Advocate representing the wife before the Family Court as well as before the High Court are set aside as unwarranted. She had the right to represent wife before the High Court without any fresh power of attorney in view of the provisions of Order III Rule 4 (2) of the Code of Civil Procedure Code, 1908.

Consequently, the orders passed against Petitioner No. 2 are not warranted and are set aside. The costs imposed is also waived. However, the Family Court will ensure that entire maintenance amount stands paid to the wife before initiating further proceedings by it.

With the aforesaid observations, the special leave petitions are disposed of.

Pending application(s), if any, also stand disposed of.

(SWETA BALODI)  
COURT MASTER (SH)

(RENU BALA GAMBHIR)  
COURT MASTER (NSH)