

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1393 of 2015

M.P.Arun

... Petitioner

v.

Krishnapriya

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 8.11.2015 in I.A.No.2521 of 2014 in O.P.No.406 of 2014 on the file of I Addl. Family Court at Chennai and allow the same.

For Petitioner : Mr.R.Ganesh Kumar_

For Respondent : Mrs.K. Bhawatharini

ORDER

Challenging the fair and final order passed in I.A.No.2521 of 2014 in O.P.No.406 of 2014 on the file of I Additional Family Court, Chennai, the 2nd petitioner, who is the husband of the 1st petitioner, has filed the above Civil Revision Petition.

2. The petitioners 1 and 2 have filed the Original Petition in O.P.No.406 of 2014 under section 13-B of the Hindu Marriage Act for divorce by mutual consent.

3. It is the case of the revision petitioner that after the filing of the Original Petition before the I Additional Family Court, Chennai, he left for U.S.A. and is employed there. Hence, the petitioner filed an application in I.A.No.2521 of 2014 to permit him to let in oral evidence through video conferencing.

4. Learned counsel appearing for the respondent has no objection for allowing the Civil Revision Petition.

5. The Family Court relied upon a judgment reported in **2014(5) CTC 177 (R.R.Pauvya v. C.Kanagavel)** and declined to permit the petitioner from adducing oral evidence through video conferencing.

6. On a perusal of the judgment reported in **2014(5) CTC 177 (cited supra)**, it could be seen that a Division Bench of this court had decided the

ratio with regard to the role of power of attorney to assist the principal at the time of filing a petition for divorce. In the case on hand, admittedly, the petitioners have presented the original petition for divorce in person before the Family Court.

7. Learned counsel appearing for the petitioner submitted that the petitioner would bear all the expenses incurred for availing the facility of adducing oral evidence through video conferencing. The learned counsel further submitted that the petitioner is not in a position to come over to Chennai for adducing oral evidence before the Family Court.

8. Taking into consideration the facts and circumstances of the present case, while setting aside the order passed in I.A.No.2521 of 2014 in O.P.No.406 of 2014, I permit the revision petitioner to adduce oral evidence through the video conferencing. The petitioner shall bear all the expenses for adducing oral evidence through video conferencing.

With this observation, the Civil Revision Petition is disposed of. No costs.

Index : No
Internet : Yes

07.04.2015

Rj

M. DURAISWAMY,J.,

Rj

To

The I Addl. Family Court,
Chennai

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