

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(P.D.) No.2650 of 2015 and
MP.No.1 of 2015

Manisha Sajnani @ Krishna Bathija
rep. by her Power Agent/Father
Mr.Rajkumar Sajnani
(Cause title amended as per
order of this Court M.P.No.1 / 15
in CRP (PD) No.2650/15

...Petitioner/Plaintiff

versus

1.Ajay Bathija

2.AjayBathija
Senior Technical Arbitrator/Analyst
Exhedra Solutions Inc
No.14310 N DALE MABRY,
Suit No.280, Tampa,
Florida 33618.
USA.

...Respondents/Defendants

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against M.P.No.629 of 2014 in M.C.No.508 of 2012, dated 23.12.2014 on the file of III Principal Additional Family Court, Chennai and to set aside the same.

For Petitioner : Mr.Vedavallikumar

For Respondents : No Appearance

ORDER

The petitioner submitted an application before the Trial Court for examining her thorough Video conferencing. The application was dismissed by the Trial Court. Aggrieved by the same, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner.

3. The petitioner is presently stated to be under going treatment at United States of America. The petitioner made an application to the Trial Court to examine her through Video conferencing. The Trial Judge, earlier permitted the petitioner to examine her through Video conferencing in O.P.No.4409 of 2012. But the said prayer was not granted by the Trial Court in the present matter.

4. When it is made out that the party is not in a position to give evidence by appearing before the Court, the Trial Court ought to have allowed the application by permitting to give evidence through Video conferencing. The Trial Court was not correct in dismissing the application filed by the petitioner.

5. The order dated 23.12.2014, in M.P.No.629 of 2014 in M.C.No.508 of 2012 is set aside. The application is allowed as prayed for.

6. The Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2016

Index:Yes/No
smi

To

1. The III Principal Additional Family Court,
Chennai

K.K.SASIDHARAN,

J.

smi

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