

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2017

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(NPD).No.351 of 2017
and C.M.P.No.1585 of 2017

V.Gayathri

.. Petitioner

Vs.

Sakthinarayan

Represented by his mother

and Power of Attorney Agent Mrs.Meena Chander

.. Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 25.11.2016 passed by the learned Principal Judge, Family Court, Chennai, rejecting O.P.SR.No.9210 of 2016 on its file.

For Petitioner : Mr.K.J.Nithianandam

For Respondent : Mr.S.Rajendrakumar

ORDER

Civil Revision Petition is filed against the fair and decreetal order dated 25.11.2016 passed by the learned Principal Judge,

Family Court, Chennai, rejecting O.P.SR.No.9210 of 2016 on its file.

2.Heard both sides.

3.The petitioner/wife has filed a petition under Section 13(B) of the Hindu Marriage Act, 1956 (hereinafter called as 'the Act') for dissolution of marriage by way of mutual consent. The mother-in-law of the petitioner, who is the power agent of the respondent/husband, has filed a petition seeking permission to sign the petition filed under Section 13(B) of the Act on behalf of her son/respondent. Even though the power of attorney has been recognised by the Family Court, it was rejected by holding that presence of other spouse is necessary at the time of presentation.

4.Learned counsel for the petitioner would submit that now video conferencing is available to examine the respondent/husband, since he is residing in Australia. Therefore, he seeks permission of this Court to not press this revision with liberty to file a fresh application along with a petition to examine the respondent/husband through video conferencing on the date of presentation of the petition itself.

5. Recording the submissions made by the learned counsel for the petitioner/wife, this Civil Revision Petition is dismissed as withdrawn with liberty to the petitioner to file a petition under Section 13(B) of the Act and also file an application to examine the respondent/husband through video conferencing. No costs. Consequently, connected Miscellaneous Petition is closed.

07.02.2017

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Index: Yes/No

To

The Principal Judge, Family Court, Chennai.

R.MALA,J.

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