

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2018

CORAM:

THE HON'BLE MR.JUSTICE VELMURUGAN

**Civil Revision Petition (PD) Nos.860 and 861 of 2018 and
C.M.P.Nos.4738 and 4739 of 2018**

Deepa Thiagarajan

...Revision Petitioner/Petitioner/Defendant
(in both the CRPs)

Vs

Kannan S. Tharmalingam

...Respondent/Respondent/Plaintiff
(in both the CRPs)

Prayer in 860 of 2018: Civil Revision Petition is filed Under Article 227 of the Constitution of India against the fair and decreetal order dated 13.12.2017 made in I.A.No.2447 of 2017 in O.P.No.96 of 2014 on the file of the IV Additional Family Court, Chennai.

Prayer in 861 of 2018: Civil Revision Petition is filed Under Article 227 of the Constitution of India against the fair and decreetal order dated 13.12.2017 made in I.A.No.2448 of 2017 in O.P.No.4060 of 2016 on the file of the IV Additional Family Court, Chennai.

For Revision Petitioner : Mr.V.Chandrasekaran
(in both the CRPs)

For Respondent : Mr.K.P.Gopalakrishnan
(in both the CRPs)

COMMON ORDER

These revision petitions have been filed by the petitioner as against the fair and decreetal order passed in I.A.No.2447 of 2018 in O.S.No.96 of 2014 and I.A.No.2448 of 2017 made in O.P.No.4060 of 2016 dated 13.12.2017 on the file of the IV Additional Family Court Judge, Chennai, wherein the permission to appear through Video Conferencing by the respondent's wife was dismissed by the Trial Court.

2. The main contention of the petitioner is that the respondent filed a petition for divorce and the matter is pending consideration. Of course, the respondent filed an application before the USA Court and that she got a decree. These petitions have been filed only to permit the petitioner/wife to appear through Video Conferencing.

3. The learned counsel appearing for the petitioner would submit that the trial court is insisting the presence of the petitioner/wife during trial, hence it necessitated the petitioner to file these applications, seeking her appearance through Video Conference before the IV

Additional Family Court, Chennai, for trial.

4. The learned counsel appearing for the respondent by placing reliance on the judgment of the Hon'ble Apex Court in the case of **[Santhini v. Vijaya Venkatesh, reported in (2018-1-L.W.289)]**, submitted that if one of the parties desires that the proceedings should be held in camera, the Family Court has no option but to direct. In this case, the learned counsel for the petitioner would submit that the respondent himself filed an application before this Court for Video Conferencing and subsequently that application was withdrawn.

5. Admittedly, both the petitioner and the respondent are residing in USA and then the OSA is pending before the IV Additional Family Court, Chennai, for divorce. Therefore, it necessitated for the trial court to enable the parties to appear before the IV Additional Family Court, Chennai for divorce. Once the respondent himself expressed his inability to appear before the Court and also to appear through his father, filed an application for Video Conferencing, however, the same application was withdrawn subsequently.

6. Now, the petitioner has filed these applications for appearing through Video Conferencing, since she is residing in USA and her child

is also along with her and they are unable to get a Visa. Due to which, they are unable to come to India, hence, she is unable to appear and participate in the trial proceedings.

7. Under these circumstances, considering the peculiar situations both the petitioner and the respondent are working in USA and that the case is pending in India, it is not possible for both the parties to come to India for every hearing and conducting the trial in the near future. Therefore, under these circumstances, considering the peculiar nature of the case that either one of the party working in USA and now the respondent herein has come down to India and the respondent/petitioner in O.P.No.96 of 2014 is ready to proceed the case. Therefore, the IV Additional Family Court is directed not to insist the petitioner for her personal appearance during the trial, in case if any necessity arises, the petitioner herein can appear through Video Conferencing and to conduct in camera proceedings for limited purposes. During the trial, through Video Conference except the parties, counsel on both sides and Judge, no one should be permitted either in the Family Court or elsewhere the Video Conference proceeding is arranged. Therefore, the learned IV Additional Principal Judge, Family Court, Chennai, is directed to permit the petitioner herein to appear through Video Conferencing. The parties are directed to

arrange and bear the expenses of Video Conferencing facility for conducting trial.

8. With the above directions, the Civil Revision Petitions are disposed of. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

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Index : Yes/No
Internet : Yes/No

To

The Principal Judge,
IV Additional Family Court,
Chennai.



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P. VELMURUGAN, J.

msm



C.R.P.Nos.860 and 861 of 2018

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