

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.4835 OF 2017

ORDER:

1 This Civil Revision Petition is filed under Article 227 of the Constitution of India, aggrieved by the order dated 08.08.2017 passed in I.A.No.350 of 2017 in F.C.O.P.No.1570 of 2016 on the file of the Judge, Family Court, Ranga Reddy at L.B.Nagar.

2 Heard the learned counsel for both the parties.

3 A perusal of the record reveals that the respondent herein filed FCOP No.1570 of 2016 on the file of the Judge, Family Court, Ranga Reddy at L.B.Nagar under Section 13 (1) (ia) of Hindu Marriage Act, 1955 for dissolution of marriage. Pending petition, the respondent filed I.A.No.350 of 2017 under Sections 63 and 65-B of Indian Evidence Act to record reconciliation proceedings and evidence of his son and the petitioner herein through skype (internet – video conference). The petitioner opposed the said petition. The trial court, after affording reasonable opportunity to both parties, allowed the said petition. Hence the present revision by the petitioner – wife.

4 At the time of arguments, both counsel with one voice, submitted that reconciliation proceedings have to be conducted in the Court and in the presence of the parties. A perusal of the record reveals that so far the trial court has not conducted reconciliation proceedings. Conducting of reconciliation proceedings is a condition precedent for commencement of trial in family matters. At the time of reconciliation proceedings, if both parties agree to settlement, there is no need to record evidence. A perusal of the record further reveals that the respondent herein is staying in USA. To substantiate the

argument, the learned counsel for the petitioner has drawn the attention of this court to **Santhini v. Vijaya Venketesh**¹ wherein the Hon'ble Apex Court held at para No.10 as follows:

10. The proposition that video conferencing can be permitted only after the conclusion of settlement proceedings (resultantly excluding it in the settlement process), and thereafter only when both parties agree to it does not accord either with the purpose or the provisions of the Family Courts Act 1984.....”

5 Having regard to the facts and circumstances of the case and in view of the principle enunciated in the case cited supra, I am of the considered view that the impugned order is not sustainable in law.

6 In the result, the Civil Revision Petition is allowed, setting aside the order dated 08.08.2017 passed in I.A.No.350 of 2017 in F.C.O.P.No.1570 of 2016 on the file of the Judge, Family Court, Ranga Reddy at L.B.Nagar. However, allowing of this Civil Revision Petition does not preclude the respondent herein to file similar type of application after completion of reconciliation proceedings, if so advised. No order as to costs. As a sequel, miscellaneous petitions if any pending in this revision petition shall stand closed.

T. SUNIL CHOWDARY, J.

Date: 14.06.2018

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¹ (2018) 1 SCC 1