

THE HON'BLE SRI JUSTICE SANJAY KUMAR
CIVIL REVISION PETITION NO.5215 OF 2018

O R D E R

Sasikant Vetcha, the husband, is the petitioner. He and his wife, Kiranmayi K.S., filed F.C.O.P.No.216 of 2018 before the Family Court, Ranga Reddy District at L.B.Nagar, under Section 13-B of the Hindu Marriage Act, 1955 seeking dissolution of their marriage by mutual consent. This petition was filed in November, 2017. Upon expiry of the requisite statutory waiting period of six months, the parties filed an I.A. under Sections 3, 65A and 65B the Indian Evidence Act, 1872 praying that the Family Court may record the evidence of the husband through Whatsapp/ Skype/Videoconferencing from the United States of America by dispensing with his physical presence in the Court. By endorsement dated 13.08.2018, the Family Court directed the party to appear in person before the Court and returned the application. This is the cause for the filing of the present civil revision petition.

The respondent-wife is present in person before this Court and produced her Aadhaar Card in proof of her identity. She states that she has no objection to the evidence of her husband being recorded by electronic means as he is presently in the United States of America and as both parties have decided to dissolve their marriage by mutual consent.

In the light of these facts and given the judgment of the Supreme Court in *SANTHINI V/s. VIJAYA VENKETESH*¹, which held to the effect that when a joint application is filed or both the parties file their respective consent memorandum for hearing of the case through videoconferencing, it is for the Family Court to exercise its discretion in

¹ (2018) 1 SCC 1

allowing such prayer, the Family Court erred in baldly returning the application. As the petitioner-husband is stated to be in the United States of America and no purpose would be served in requiring his presence in person after expiry of the statutory waiting period of six months, the Family Court ought to have accepted the plea of the parties.

The civil revision petition is allowed directing the Family Court, Ranga Reddy District at L.B.Nagar, to take up F.C.O.P.No.216 of 2018 and allow recording of the evidence of the husband through Skype/ Videoconferencing from the United States of America by dispensing with his physical presence. This exercise shall be completed expeditiously, and in any event not later than two weeks from the date of receipt of a copy of this order, and if possible, on the very next date of hearing.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

14th SEPTEMBER, 2018

SANJAY KUMAR, J

Note: Issue C.C. by 17.09.2018.
(B/o) Svv