



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

CRP (MD) No. 1533 of 2019

and

C.M.P. (MD) No. 8042 of 2019

WEB COPY

Sarath S. Sarathi

Rep. by the recognized agent and

Power holder M. Subramonian

... Petitioner/Petitioner

versus

T. Jayanthi

... Respondent/Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to call for the records pertaining to the petition and order dated 14.08.2019 in H.M.O.P.No.216 of 2019 passed by the learned Family Judge, Kanyakumari at Nagercoil and to set aside the same and consequently, to permit the petitioner to represent his son, namely, Sarath S. Sarathi before the learned Family Judge, Kanyakumari at Nagercoil in H.M.O.P.No.216 of 2019 till the disposal.

For Petitioner : Mr. T. Lajapathi Roy

For Respondent : Mr. R. Ramanlal

ORDER

The revision petitioner, namely, Sarath S. Sarathi is the husband of the respondent herein. Since the revision petitioner is at USA, he is represented by his father M. Subramonian in the capacity of Power of Attorney. He filed a petition in H.M.O.P.No.216 of 2019 before the learned Family Judge, Nagercoil, seeking dissolution of marriage that was solemnized on 23.11.2012.

2. But, the respondent herein had taken a stand before the Court below that the divorce petition was filed without the knowledge of her husband.

3. As there was a possibility of settlement, the Court below referred the matter to the Mediation Centre, Nagercoil, for settlement and both the parties were directed to appear before the Mediation Centre on 25.10.2019.

4. Now, it is the case of the revision petitioner that since the revision petitioner is at USA, he executed a Power of Attorney in the name of his father to represent the case filed before the Court below. But, the Court below, without considering the said fact, directed the revision petitioner to appear before the Mediator. Hence, the Civil Revision Petition has been filed.



5. The learned counsel appearing for the revision petitioner submitted that the revision petitioner is at USA and therefore, he is not in a position to appear before the Mediator, Nagercoil. The learned counsel further submitted that the revision petitioner is ready to co-operate for mediation either through Video Conferencing or any other electronic mode, viz., Whats App.

6. The learned counsel appearing for the respondent submitted that the respondent is agreeable for the same.

7. Heard the learned counsel appearing on either side.

8. Considering the facts and circumstances of this case and also considering the fact that the respondent is also agreeable for mediation through Whats App or any other electronic mode, this Court is of the view that it would be appropriate to direct the Mediator, Nagercoil, to conduct the mediation process with the petitioner either through the Video Conferencing or through Whats App.

9. Accordingly, the Civil Revision Petition is disposed of, with a direction to the Mediator, Nagercoil, to conduct the mediation process with the petitioner through Video Conferencing or through Whats App or any other electronic mode. In case, the presence of revision petitioner is not required, the Power of Attorney, who is none other than the father of the revision petitioner, shall be permitted to represent the case on behalf of him. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Family Judge,
Kanyakumari.

2. The Officer-in-Charge,
Mediation Centre, Nagercoil.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-85656[F] dated 06/09/2019)

+1 CC to Mr.R.RAMANLAL, Advocate (SR-85523[F] dated 06/09/2019)

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