

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.107+257

CM-15010-CII-2019 in/and
CR-3499-2019 (O&M)
Date of decision: 21.08.2019

Raj Rupinder Kaur

....Petitioner

versus

Harwinder Singh Ranu

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gurpreet Singh Sandhu, Advocate
for the petitioner.

Mr. M.S. Tiwana, Advocate
for the respondent.

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DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 30.04.2019 passed by the Principal Judge, Family Court, Bathinda (for short – the Trial Court) vide which the Trial Court dismissed the petitioner-wife's application through which she had prayed that in the joint petition filed by the parties under Section 13-B of the Hindu Marriage Act, 1955 (for short – the Act) their statements be recorded through video conferencing on the ground that both the parties were residing abroad.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that the parties had filed a joint petition under Section 13-B of the Act seeking therein dissolution of their

marriage. Since both the parties were residing abroad, the petitioner-wife filed an application seeking permission of the Trial Court to record the statements of both the parties through video conferencing to which the respondent-husband, through his special power of attorney, consented. However, the Trial Court was of the opinion that such application deserved to be dismissed for the reason that if the statements of the parties were recorded through video conferencing, the Trial Court would not be in a position to make reconciliatory efforts to bring the parties together as also for the reason that an FIR bearing No.17 dated 17.02.2016, under Sections 420/498-A/120-B IPC, registered at Police Station Cantt. Bathinda, was pending against the respondent-husband. Such order of the Trial Court is under challenge in the present proceedings.

Learned counsel for the parties submit that both the parties are living abroad; though they were married for over five years they cohabited only for two months; being mature enough they had decided that they could not live together; they have taken a joint decision to move on with their lives; the decision to part ways was taken by the parties only after several efforts for reconciliation had been made between them and that the afore-referred FIR has been quashed by this Court through order dated 08.07.2019 passed in CRM-M-7022 of 2019.

It is not disputed that the petitioner-wife is residing in Canada and that the respondent-husband resides in the United States of America; the only FIR against the respondent-husband has been quashed by this Court; both the parties are young and that through their joint petition filed by them under Section 13-B of the Act they have decided to finally part ways.

In Amardeep Singh versus Harveen Kaur, (2017) 8 SCC 746, the Hon'ble Supreme Court while interpreting Section 13-B(2) of the Act has permitted recording of statements of the parties through video conferencing. Para No.21 of the judgment which is relevant reads as under:-

“Needless to say that in conducting such proceedings the Court can also use the medium of video conferencing and also permit genuine representation of the parties through close relations such as parents or siblings where the parties are unable to appear in person for any just and valid reason as may satisfy the Court, to advance the interest of justice.”

To the same effect are the following observations by a Division Bench of this Court in Balvinder Singh versus Suman Rani alias Suman Lata, 2019(2) R.C.R. (Civil) 253:-

“Consequently, the present petition is hereby allowed and the impugned order dated 02.02.2016 is set aside. The matter is remanded back to the learned Family Court, Ambala to allow the respondent to record her statement at the first motion stage by way of video conferencing which shall be recorded by the learned Presiding Officer and at that time the respondent shall be identified by her sister Ravita Rani, whom she had given her special power of attorney, and also by her advocate. Insofar as the issue of error in the verification of the petition is concerned, the learned Trial Court has not made it clear about the error in it but in any case, the learned Court below would grant an opportunity to the appellant and respondent to file an amended petition with the correct verification.”

After considering the afore-stated facts as also the law laid

down by the Hon'ble Supreme Court in **Amardeep Singh's case (supra)** and this Court in **Balvinder Singh's case (supra)**, initially, through video conferencing, the Trial Court shall make efforts for reconciliation between the parties. However, if the Trial Court is of the opinion that reconciliation is not possible between the parties then, while proceeding with the joint petition filed by the parties under Section 13-B of the Act, the Trial Court would record the statements of the parties in the first and second motion by way of video conferencing and on the basis thereof decide the aforesaid joint petition filed by the parties.

Before recording of the statements of the parties, the petitioner-wife would be identified by her mother and the respondent-husband by his real brother and that their statements would be recorded only after the Trial Court is satisfied with regard to their identity.

The petition is disposed of in the above terms.

(DEEPAK SIBAL)
JUDGE

August 21, 2019
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No