

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRP (PD) No.877 of 2021
and
CMP.No.7210 of 2021

Sita Mani @ Sita Laxmi Mani ... Petitioner/Respondent

Vs.

Thenappan Chindambaram ... Respondent/Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India seeking to direct the IV Additional Family Court, Chennai, to take I.A.SR.No.1087 of 2021 in O.P.No.733 of 2018.

For Petitioner : Mr.Sheila Jayaprakash

For Respondent : Mr.A.Chidambaram
Senior Counsel

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ORDER

(This case has been heard through video conference)

The Civil Revision Petition has been filed by the respondent in O.P.No.733 of 2018, which is now pending on the file of the IV Additional

Family Court, Chennai. The said Original Petition had been filed under Sections 13 (i-a) & 13 (i-b) of the Hindu Marriage Act, 1955 by the respondent in the Civil Revision Petition.

2.Heard Mrs.Sheila Jeyaprakash learned counsel appearing for the revision petitioner and Mr.A.Chidambaram, learned Counsel who is stated to have appeared for the respondent herein / petitioner before the Family Court.

3.The petitioner herein filed an application seeking to participate in mediation process through video conferencing since she is in USA. That request was rejected. Hence the Revision Petition.

4.It is the grievance expressed by Mr.A.Chidambaram, learned counsel for the respondent herein that in the Original Petition, the revision petitioner herein was actually set exparte and thereafter rejoined the proceedings, since an endorsement “No Objection” was made in the application to set aside the exparte order. It is also stated by Mr.A.Chidambaram, learned counsel for the respondent that the views of the revision petitioner will have to be ascertained and there is a reasonable apprehension that the revision petitioner is hesitating

to reside with the respondent herein. These are aspects which should actually be determined during the Mediation process. The revision petitioner had filed an application before the IV Additional Family Court, Chennai in I.A.SR.No.1087 of 2021 seeking to participate in the mediation process through video conferencing. The learned Judge had not even numbered the said Interlocutory Application in I.A.SR.No.1087 of 2021, and thereafter passed an order, stating that the petition filed under Section 151 CPC., for mediation by video conferencing was returned for the presence of the respondent. Questioning that particular order, the present Revision Petition has been filed.

5.I really hope that the learned Judge may understand the sensitive nature of the proceedings before a Family Court. The learned Judge should understand the position of the parties. Here is a case where the present Revision Petitioner had filed an application to participate in the Mediation Proceedings through video conferencing.

6.It has been informed that video conferencing facility is available in the Mediation Centre.

7.I hold it is only appropriate that both the parties engaged themselves in participating in the mediation process and if the only possibility of participating in such mediation processes is through video conferencing, then that will have to be resorted to.

8.I am therefore inclined to set aside the order of the learned Judge. I would also request Mr.A.Chidambaram, learned counsel to inform the respondent to participate in the mediation process and ensure that some solution is reached between the parties.

9.Accordingly, the Civil Revision Petition is allowed with a direction to the learned IV Additional Family Judge, Chennai to number the application in I.A.SR.No.1087 of 2021 if it is otherwise in order and issue notice to the respondent to examine the possibility of mediation through video conferencing and on being satisfied with such possibility and take a considered decision. Consequently, the connected miscellaneous petition stands closed. No order as to costs.

10.I refer the parties to mediation to resolve their dispute. The Registry may return any original records if requested by the revision petitioner on undertaking and on substituting the records.

19.04.2021

Index:Yes/No
Internet:Yes/No
ssi

To

The IV Additional Family Court, Chennai.



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C.V.KARTHIKEYAN, J.,

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