

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P. (PD) No.1138 of 2021
and
C.M.P.No.8795 of 2021

Sita Mani @ Sita Laxmi Mani

... Petitioner

Vs

Thenappan Chidambaram

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 10.03.2021 passed in I.A.SR.No.1088 of 2021 in O.P.No.733 of 2018 and direct the IV Additional Family Court, Chennai to take I.A.SR.No.1088 of 2021 in O.P.No.733 of 2018 on the file.

For Petitioner

..

Ms.Sheila Jayaprakash

For Respondent

..

Mr.A.Chidambaram

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ORDER

The present petition is an offshoot of an earlier order passed in C.R.P.No.877 of 2021 dated 19.04.2021 which revision petition was also contested by the very same parties.

2.The petitioner herein is the respondent in O.P.No.733 of 2018 now pending on the file of the IV Additional Family Court, Chennai. In C.R.P.No.877 of 2021 which was also filed by the present petitioner, a request was placed to permit the petitioner therein to attend the mediation process through video conferencing. The said revision petition was allowed, after also hearing the learned counsel for the respondent.

3.Even today, the learned counsel for the respondent Mr.A.Chidambaram is present.

4.Heard Ms.Sheila Jayaprakash, learned counsel for the petitioner also.

5.The present petitioner quite apart from seeking permission to attend the mediation process through video conferencing had also filed another application which had not been numbered but had been returned

which order had given rise to the present Civil Revision Petition. In that application, she had appointed her mother as Power Agent for the limited purpose of lodging various papers as are required by the Court / Mediation Centre.

6.It is made clear by Ms.Sheila Jayaprakash, learned counsel for the petitioner that the mother shall not participate in the mediation process and that the petitioner herein alone shall participate in the mediation process. The learned Judge appears to have returned the said Interlocutory Application without giving any reason, but only noting that the petitioner herein was absent. The petitioner herein was naturally absent, since she is in USA.

7.I would request the IV Additional Family Court, Chennai, to take on record the said unnumbered Interlocutory Application which had been filed seeking permission to permit the mother of the petitioner herein to lodge various papers on behalf of the present petitioner herein in her capacity as Power Agent and pass necessary orders on the same.

8. Irrespective of the above, since the petitioner herein appears to be knocking the doors of this Court seeking reliefs, it would be only appropriate that a general direction is issued to the learned IV Additional Judge, Family Court Chennai, to take a grip over O.P.No.733 of 2018 which is now pending for the past three years without any effective progress. The learned Judge may, on hearing the convenience of the parties, post the matter before the Mediation and Conciliation Cell, so that some efforts can be taken to resolve the issues if it is possible.

9. Mr. A. Chidambaram, learned counsel for the respondent stated that the respondent herein would extend co-operation for the mediation process. This view is also echoed by Ms. Sheila Jayaprakash.

10. I would state that the said mediation process should commence on or before 02.07.2021 and I would request the Mediation and Conciliation Cell to appoint an experienced mediator who would be able to mediate the issues, though the petitioner in O.P.No.733 of 2018 would be appearing physically and the respondent in the Original Petition would be appearing through video conferencing.

11. Taking into consideration that particular circumstance, the Mediation and Conciliation Cell may appoint a mediator with considerable experience to handle such circumstances. It is hoped that the mediation process would also be completed within a period of two months from the first date of hearing before the Mediation and Conciliation Cell and the matter would be remitted back to the IV Additional Family Court Chennai, to pass appropriate orders in accordance with the report forwarded by the Mediation and Conciliation Cell.

12. It is hoped that O.P.No.733 of 2018 would have some effective progress and not stagnate on the records.

13. With the said observations, the Civil Revision Petition is disposed of, reiterating the direction to the IV Additional Family Court, Chennai, in the first instance take on record the unnumbered Interlocutory Application and pass appropriate orders and then to seek the assistance of the Mediation and Conciliation Cell and ensure that a mediator is appointed and further ensure that the parties attend the mediation and thereafter pass necessary orders in accordance with the

report received. No costs. Consequently, the connected civil miscellaneous petition is closed.

14. For the sake of record, the IV Additional Family Court, Chennai, may also take on record a Joint Memo indicating their preference to adjudicate the matters through mediation by both the parties. If the present petitioner is not able to sign the Memo, the mother may sign the Memo and the same may be later ratified by the present petitioner.

15.06.2021

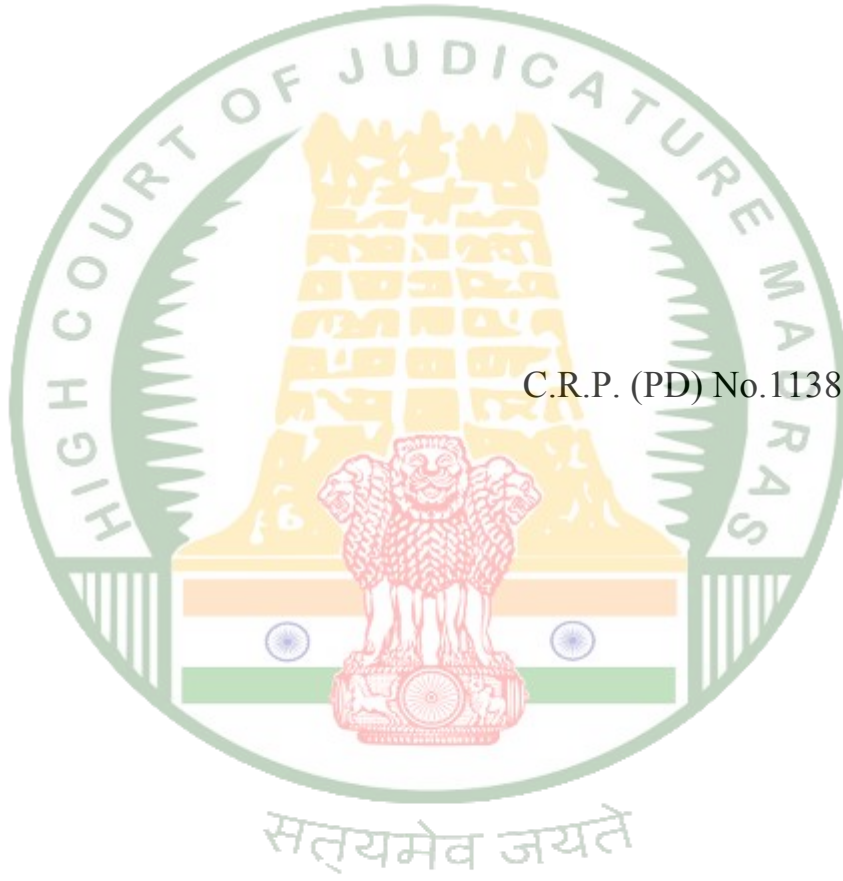
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To
The IV Additional Family Court, Chennai.

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C.V.KARTHIKEYAN,J.

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