

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P (PD).No.3918 of 2018 and Tr.C.M.P.No.755 of 2018

and

C.M.P.Nos.21756 and 18512 of 2018

C.R.P (PD).No.3918 of 2018

A.Kavitha Appu

... Petitioner

Vs.

R.Rajesh Ramu

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 26.09.2018 passed in I.A.No.590 of 2018 in M.O.P.No.400 of 2014, on the file of the Family Court, Puducherry and allow the above Civil Revision Petition.

For Petitioner : Mr.V.V.Sairam

For Respondent : Mr.R.Thiagarajan

Tr.C.M.P.No.755 of 2018

A.Kavitha Appu

... Petitioner

Vs.

R.Rajesh Ramu

... Respondent

PRAYER: This Petition filed under Section 24 of the Civil Procedure Code, to withdraw M.O.P.No.400 of 2014, pending on the file of the Family Judge, Pondicherry and transfer the same to the file of the Sub Court, Hosur.

For Petitioner : Mr.V.V.Sairam

For Respondent : Mr.R.Thiagarajan

COMMON ORDER

C.R.P (PD).No.3918 of 2018 is filed as against the fair and decretal order passed in I.A.No.590 of 2018 in M.O.P.No.400 of 2014 dated 26.09.2018 on the file of the learned Family Judge, Puducherry, thereby dismissing the petition seeking permission to conduct the case through Video Conferencing method.

2. Tr.C.M.P.No.755 of 2018 has been filed to withdraw M.O.P.No.400 of 2014, pending on the file of the Family Judge, Puducherry and transfer the same to the file of the Sub Court, Hosur.

3. In both the petitions, the petitioner is the wife and the respondent is the husband. The respondent filed a petition for divorce on the ground of cruelty. While pending the divorce petition, the petitioner filed a petition seeking permission to conduct the case through Video Conferencing method on the ground that the petitioner is residing at Bangalore and she is working there in I.T Company. She has old aged parents who are having illness. Therefore, she cannot leave them at Bangalore and travel to Puducherry to attend the Court proceedings. However, it was dismissed and aggrieved by the same, the present Civil Revision Petition is filed.

4. The learned counsel for the petitioner submitted that though she is ready and willing for divorce, there is dispute in respect of mandatory compensation. However, due to the present COVID-19 pandemic circumstances, either way she could not able to appear before the Trial Court and since all the cases are conducted through Video Conferencing method, she may be permitted to conduct the case through Video Conferencing method.

5. Per contra, the learned counsel for the respondent submitted that

the petitioner already filed a petition seeking transfer of the divorce petition from Puducherry to Bangalore before the Hon'ble Supreme Court of India in T.P (C) No.996 of 2017 and the same was dismissed by the Hon'ble Supreme Court of India by an order dated 05.07.2017. Even then, she had filed the present petition in Tr.C.M.P.No.755 of 2018 seeking to withdraw M.O.P.No.400 of 2014 pending on the file of the Family Judge, Puducherry and transfer the same to the file of the Sub Court, Hosur. He further submitted that the petitioner's parents are very much available in Puducherry and residing there. Only due to avocation, she is staying at Bangalore and on every month end, she visits Puducherry to look after her parents. Only to drag the proceedings, the present petition in Tr.C.M.P.No.755 of 2018 has been filed, and prayed for dismissal of both the petitions.

6. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

7. The petitioner is the wife and the respondent is the husband. The respondent filed a petition for divorce on the ground of cruelty. Admittedly,

the petitioner is now working at Bangalore and staying there. There is no quarrel that the petitioner already filed a petition seeking transfer of divorce petition from Puducherry to Bangalore and the same was dismissed by the Hon'ble Supreme Court of India by an order dated 05.07.2017. The Hon'ble Supreme Court of India observed that the petitioner/wife is at liberty to avail the remedy of participating in proceedings by Video Conferencing and also claim expenditure when she is required to travel for participating in proceedings. That apart, now due to COVID-19 pandemic circumstances, no one is able to appear before the Trial Court to conduct their respective cases. Therefore, all most all the Courts are having facility of Video Conferencing method to conduct the cases. Considering the above observation made by the Hon'ble Supreme Court of India and also considering the present scenario viz., COVID-19 pandemic circumstances, the petitioner may be permitted to conduct the case through Video Conferencing method.

8. In view of the above discussion, C.R.P (PD).No.3918 of 2018 is allowed and the order passed in I.A.No.590 of 2018 in M.O.P.No.400 of 2014 dated 26.09.2018 is hereby set aside. It is made clear that now the

petition in M.O.P.No.400 of 2014 is pending for cross examination of P.W.1. The petitioner is permitted to cross examine through her counsel before the Trial Court and she can appear before through the Video Conferencing method. During her evidence, she may be cross examined through the Video Conferencing method by the respondent's counsel. The Trial Court is directed to dispose the petition in M.O.P.No.400 of 2014 within a period of three months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

9. In view of the order passed in C.R.P (PD).No.3918 of 2018, the present petition in Tr.C.M.P.No.755 of 2018 is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

सत्यमेव जयते

15.07.2021

Speaking/Non-speaking order

Index : Yes/No

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To

1. The Family Court, Puducherry.

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2. The Section Officer,
V.R. Section, High Court of Madras.



G.K.ILANTHIRAIYAN,J.

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**C.R.P (PD).No.3918 of 2018
and Tr.C.M.P.No.755 of 2018**

15.07.2021



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