



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

C.R.P.Nos.530 & 532 of 2022 &
C.M.P.Nos.2787, 2794 and 2795 of 2022

AL.Manikandan
Represented by his
Power of Attorney Alagappan

... Revision Petitioner/
Respondent in both CRPs

Versus

Prathiba @ Meenakshi

... Respondent/Petitioner
in both CRPs

PRAYER in CRP.No.530 of 2022: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and Decreetal order dated 30.12.2021 in I.A.No. 6 of 2020 in O.P.No. 2009 of 2018 on the file of I Additional Family Court, Chennai.

PRAYER in CRP.No.532 of 2022: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Order and Decreetal order dated 30.12.2021 in I.A.No. 5 of 2020 in O.P.No. 2009 of 2018 on the file of I Additional Family Court, Chennai.

For Petitioner : AL.Ganthimathi

C O M M O N O R D E R

The Revision Petitioner herein is the husband of the respondent. He has laid O.P.No.2009 of 2018 before the I Additional Family Court, Chennai for resolution of his marriage with the respondent. In this case, P.W.1/Revision Petitioner has been examined however, he was not cross-examined and the evidence was closed. The respondent would then come out with I.A.No.5 and 6 of 2020 in O.P.No.2009 of 2018 for reopening the evidence of P.W.1 and for leave to cross-examine him. This was allowed by the learned Family Judge by order dated 30.12.2021. This is now in challenge.

2.Heard the learned counsel for the Revision Petitioner.



3.The learned counsel for the Revision Petitioner submitted on instructions that during trial the petitioner was physically present in the Court, that though the respondent was also present then, she did not cross examine the petitioner. Now, the Revision Petitioner has gone to the US. and it is very difficult for him to travel all the way to face the trial here. Indeed, to compel him to travel the entire distance from the US to this Court can be some kind of harrasment.

4.On merits, this Court does not find that there is any need to interfere with the orders of the learned Family Judge. However, the cross examination of P.W.1 can take place through video conferencing. After all, post Covid-19 days, Virtual Court has become an integral feature of running the Courts and therefore, this facility must be necessarily accorded to the petitioner. After all, this Court is essentially interested in evidence and even if demeanour has to be assessed, since video facility will also be available in a Virtual Court, the same can be assessed by the Court.

5.Hence, the Civil Revision Petitions are accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

tsg/dk

To

1. The I Additional Family Court Judge,
I Additional Family Court, Chennai.

+2cc to AL.Ganthimathi, Advocate, S.R.No.14296

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SRA (CO)
CT 22/03/2022