

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT
THE HONOURABLE SRI JUSTICE A. VENKATESHWARA REDDY

CIVIL REVISION PETITION NO: 2831 OF 2022

Petition Under Article 227 of Constitution of India against the order dated 23-11-2022 in O.P. No. 1709 of 2022 on the file of the Court of the Judge, I Additional Family Court, City Civil Court, at Hyderabad

Between:

Gundrath Thirumalesh, S/o. G. Poshetty, Age 28 years, Occ. Software Engineer, Presently residing at 57, East Nicholas Street, Hicksville, New York 11081, USA Rep. by his sister as Power of Attorney holder Ms. Gundrath Ruchitha, D/o. G. Poshetty, Age 23 years, Occ. IT Engineer, R/o. H. No. 14-71/9/5/1, Vinayak Nagar, Balkonda, Balkonda Mandal, Nizamabad District-503217.

...PETITIONER/ Petitioner No. 1

AND

Smt. Neelagiri Mamatha, W/o. Gundrath Thirumalesh, D/o. Ramdas, Age 28 years, Occ. House Hold, R/o. H.No. 7-1-101, Ameerpet, Hyderabad.

...RESPONDENT/ Petitioner No.2

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant exemption from application of rules as per the Notification No.3, dated 29.10.2020 to examine the Petitioner No.1 in FCOP No. 1709/2022 on the file of Judge, I Additional Family Court, City Civil Court, at Hyderabad in the interest of justice.

Counsel for the Petitioner: SRI. P.V. SUBRAMANYAM

Counsel for the Respondent: SRI PAPAIAH PEDDAKULA

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.VENKATESHWARA REDDY

CIVIL REVISION PETITION NO.2831 OF 2022

ORDER

This civil revision petition is filed under Article 227 of the Constitution of India assailing the docket proceedings dated 23.11.2022 in I.A.No.864 of 2022 in F.C.O.P.No.1709 of 2022 on the file of the learned Judge, I Additional Family Court, City Civil Courts at Hyderabad.

2. This application in I.A.No.864 of 2022 was filed under Section 151 of Civil Procedure Code (for short 'CPC') with a prayer to examine the petitioner No.1 through Skype or any web application in the above F.C.O.P.No.1709 of 2022 to record and mark the documents in support of his evidence and to pass such other order. Be it stated that F.C.O.P.No.1709 of 2022 is filed under Section 13(B) of Hindu Marriage Act (for short 'HM Act') for dissolution of the marriage with mutual consent. Petitioner No.1/husband is working as a Software Engineer in New York, United States of America (for short 'USA') and he is being represented by his General Power of Attorney (GPA) Holder. As such, the application in I.A.No.864 of 2022 was filed for recording his consent or marking any documents with the help of Skype or any other web application.

Learned Judge, I Additional Family Court, City Civil Courts, Hyderabad on 23.11.2022 has passed the following order :

"Heard the petitioner as a GPA Holder as one of the Petitioner is at abroad, this petition is allowed, subject to following Video Conference Guidelines issued by the Hon'ble High Court."

3. This order is assailed by the revision petitioner alleging that he is in New York and in view of difference of Time Zones it is not possible for him to secure the presence of the Coordinator and to approach the Consulate. Accordingly, requested to relax the relevant Video Conferencing Guidelines.

4. Heard learned counsel for the revision petitioner. Learned counsel for the respondent is also present. I have given my anxious consideration to the submissions made by learned counsel on both sides, Rule 18 of Video Conferencing Guidelines of the High Court and the order impugned.

5. It is an undisputed fact that the parties have filed divorce O.P. under Section 13(B) of HM Act for

dissolution of their marriage with mutual consent and that the petitioner No.1/husband is working as a Software Engineer in New York, USA and he is being represented through his CPA. It is also an undisputed fact that during the time of Court proceedings held in India the time in USA will be around midnight and it is not possible for any person to find a Coordinator at that time and the Consulate does not work during night times. It is categorically stated in the Video Conferencing Guidelines that the video conferencing cannot be done at the house of the petitioner and the parties have to approach the Consulate at the appointed time, which will be fixed after consultation with the Consulate.

6. Therefore, in that view of the matter, on overall consideration of the facts of the case, I am of the considered opinion that in view of difference in Time Zone between India and USA it would be impossible for the Courts in India to function during the Consulate working hours in USA as it would be midnight in this country by that time. As such, the order impugned dated 23.11.2022 in I.A.No.864 of 2022 in F.C.O.P.No.1709 of 2022 on the

file of the learned Judge, I Additional Family Court, City Civil Courts at Hyderabad is hereby modified and the learned Judge, I Additional Family Court is directed to proceed further, interact with the petitioner in the absence of Coordinator and the petitioner shall make every endeavour to assist the Court as and when directed to ascertain mutual consent for divorce and shall not take any other assignment or engagement during the relevant time and he shall not seek frivolous or unnecessary adjournments.

7. With the above observations the civil revision petition is allowed order impugned dated 23.11.2022 in I.A.No.864 of 2022 in F.C.O.P.No.1709 of 2022 on the file of the learned Judge, I Additional Family Court, City Civil Courts at Hyderabad is modified to the extent indicated above.

However, in the circumstances of the case, there shall be no order as to the costs. Miscellaneous applications, if any pending, shall stands closed.

SD/-K. KAVITHA,
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Judge, I Additional Family Court, City Civil Court, at Hyderabad
2. One CC to SRI. P.V. SUBRAMANYAM, Advocate [CPUC]
3. One CC to SRI. PAPAIAH PEDDAKULA, Advocate [OPUC]
4. Two CD Copies

HIGH COURT

AVRJ

DATED:30/12/2022

ORDER

CRP.No.2831 of 2022



ALLOWING THE CRP WITHOUT COSTS

[Handwritten signature]
05/01/2023