

CR-4798 of 2023

2023:PHHC:127336

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-4798 of 2023

Date of decision: 29.09.2023

Neeraj Kumar

.....Petitioner

Versus

Ishita Verma

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Vishal Aggarwal, Advocate,
for the petitioner.

Mr. Manjit Singh, Advocate,
for the respondent.

NAMIT KUMAR, J.

1. Instant revision petition has been filed by the petitioner under Article 227 of the Constitution of India for modification of order dated 04.08.2023 (Annexure P-5) passed by the Family Court, Pathankot, whereby petitioner has been granted permission to get recorded his second motion statement in petition filed under Section 13-B of the Hindu Marriage Act seeking dissolution of marriage by granting decree of divorce, by way of video conference through Indian Consulate/Embassy in Canada.

2. Briefly stated, petitioner and respondent got married to each other on 19.01.2022 at Pathankot and the marriage was duly registered with the Registrar of Marriage, Pathankot, on 27.01.2022.

However, due to temperamental differences, they decided to part ways

and filed a petition under Section 13-B of the Hindu Marriage Act for divorce by way of mutual consent. As the petitioner had shifted to Canada, therefore, all the documents were signed by his father-Dinesh Kumar as General Power of Attorney holder of the petitioner. The first motion statement was also recorded through GPA of the petitioner and the matter was adjourned for recording second motion statement of the parties. Petitioner filed an application before the Family Court, Pathankot, for permitting him to record second motion statement preferably through his GPA or in the alternative through video-conferencing. Vide impugned order dated 04.08.2023, Family Court, Pathankot, has permitted to get recorded his second motion statement by way of video-conference through Indian Consulate/Embassy in Canada.

3. Learned counsel for the petitioner contended that there is difference of time of ten hours i.e. day and night in India and Canada, therefore, it is not feasible for the petitioner to get recorded his statement through Indian Consulate in Canada. He has produced the order dated 25.09.2023 of the Family Court, Pathankot, wherein it has been mentioned that Indian Embassy in Canada has informed that video conference can be done during office hours of Consulate i.e. 9.00 a.m. to 5.30 p.m. (according to which Indian Standard Time is between 9.30 p.m. to 6.30 a.m.). He prays that petitioner may be permitted to appear before the Family Court for recording his second motion statement through GPA or by way of video conference.

CR-4798 of 2023

2023:PHHC:127336

4. Learned counsel for the respondent submits that he has no objection if permission to get recorded his second motion statement before the Family Court through video conference is granted.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the peculiar facts and circumstances of the case, order dated 04.08.2023 passed by the Family Court, Pathankot, is modified to the extent that the petitioner is permitted to appear before the Family Court for recording his second motion statement by virtual mode through Webex or Google Meet on the date already fixed before the Family Court. The petitioner shall provide necessary information for smooth facilitation of the video conferencing. Sh. Dinesh Kumar, General Power of Attorney holder of the petitioner shall remain present in Court on the date fixed for identification of the petitioner.

7. Disposed of.

29.09.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No