



C.R.P.No.4790 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06-12-2024**

CORAM

THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.No. 4790 of 2024

and C.M.P.Nos.26787 and 26786 of 2024

Abhishek Ramanuja Kannan
S/o Kannan, F1, Prakriti Apartments
No.367/368, 100 Feet Bypass Road
Velachery, Chennai 600 042.

.... Petitioner

Vs

Soundarya Lakshmi
W/o Abhishek Ramanuja Kannan
Apt 1809, 25, St.Marys Street
Toronto, Canada M4 Y1R2

.... Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India praying to pass an order with directions to the Principal Family Court, Chennai to allow the Petitioner to take the return of the petition and documents of the mutual consent divorce in HMOP (SR) No.6442 of 2024 on the file of Principal Family Court, Chennai and to comply with the defects and represent the said petition and documents without insisting on the physical presence of the Respondent, and to retract the defect insisting on any Apostillation in the petition and documents from the Indian embassy in Toronto, Canada.

For Petitioner : Mr.V.P.Raman

For Respondent : Ms.Soundarya Lakshmi
Party-in-Person through
Videoconference



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ORDER

WEB COPY Heard Mr.V.P.Raman for the Civil Revision Petitioner. The Civil Revision Petitioner-Mr.Abhishek Ramanuja Kannan and the respondent-Ms.Soundarya Lakshmi, are present virtually before this Court. Both of them assert and confirm that they stand by their petition for divorce by mutual consent filed in HMOP SR.No.6442 of 2024.

2. The parties solemnized their wedding on 15.07.2013 at Palladam in Coimbatore District. From the wedlock, a male child was born, who is aged about 9 years now. Due to disputes and differences, they have separated. They have agreed on the custody as well as the visitation rights. They presented a petition under Section 13B of the Hindu Marriage Act before the Principal Family Court at Chennai on 06.11.2024.

3. The Registry of the Family Court, at the time of scrutiny has noticed that the passport size photograph of both the petitioners has not been affixed on the Section 13B petition. Hence, the papers were returned. In addition, the Registry has called upon the parties to apostille their mutual consent divorce petition before the Indian Embassy in Toronto, Canada. Mr.V.P.Raman submits that when he attempted to take return all the papers. The office insisted on the presence of both Mr.Abhishek Ramanuja Kannan and Ms.Soundarya Lakshmi. Hence, this revision.



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4. I had called for a report from the learned Principal Family Court Judge, Chennai as to why the papers were not returned to the parties. She has sent a report saying that in terms of the order passed by Hon'ble Mr.Justice M.Nirmal Kumar in C.R.P.No.1994 of 2024 and C.R.P.No.89 of 2024 dated 18.10.2024, the power of attorney of the wife was not presented along with the petition. The learned Judge has laid emphasis on Para 32(ii) and 32(iii) of the said order.

5. The attention of the learned Judge is invited to Para 32(i), wherein the learned Judge has given the following direction:

*The Family Court henceforth shall not insist on the physical appearance of the petitioner / spouse at the time of presenting the petition at the first instance and for **future hearings**.*

6. It is on record that the petition has been received by the Court without the presence of Ms.Soundarya Lakshmi. Therefore, to insist on her presence for taking return of the petition is beyond my comprehension. All that it requires in this case is affixing the photographs of both the petitioners.

7. The Registry of the Principal Family Court, Chennai shall permit the civil revision petitioner to affix the photograph of both the parties to the 13B



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petition and process the papers for numbering without insisting upon the apostillation in the petition. It is made clear that the respondent wife need not travel from Canada to Chennai for the purpose of taking return or for numbering the petition or for any future hearings. The learned Principal Judge, Family Court, Chennai shall record her presence virtually and thereafter proceed to pass orders.

8. Mr.V.P.Raman states that the parties were separated on 20.07.2019. Five years have elapsed and the parties have decided to prosecute this petition further. Both of them state that there is no possibility of reunion. The marriage is continuing only on paper. That itself would amount to harassment for both the parties.

9. The learned Principal Family Judge is requested to dispense with the cooling off period and proceed further and pass orders within a period of four weeks from the date of receipt of a copy of this order. At the time of final hearing, Ms.Soundarya Lakshmi shall be present before the Court virtually and respond to the queries that the learned Judge may ask her at the time of disposal.



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WEB COPY 10. With the above directions, this Civil Revision Petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

NC : Yes/No

KST

To

To

The Principal Family Court
Chennai.



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V.LAKSHMINARAYANAN, J.

KST

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