



C.R.P.No.5078 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Civil Revision Petition No.5078 of 2023

and

Civil Miscellaneous Petition No. 29514 of 2023

Sushil Kumar

...

Petitioner

Vs

Sindhusushil

...

Respondent

Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India to set-aside the order dated 26.07.2023 passed in I.A.No.3 of 2023 in O.P.No.2518 of 2022 on the file of the III Additional Principal Family Court, Chennai and allow the same.

For Petitioner : Mr Sudharshana Sunder



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ORDER

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Challenging the order of dismissal passed by the learned III Additional Principal Judge, III Additional Principal Family Court in I.A.No.3 of 2023 in O.P.No.2518 of 2022, dated 26.07.2023, the Civil Revision Petition has been filed.

2. The learned counsel for the petitioner submitted that the Trial Court dismissed the petition, filed by the petitioner to permit him to appear before the Trial Court through Video Conference, without considering the fact that the petitioner is residing at Germany. Challenging the same, the present petition has been filed.

3. I have considered the submission made by the learned counsel for the petitioner and perused the materials available on records carefully.

4. On perusal of the records, the fact reveals that the petitioner/husband, who is working in Germany, had filed O.P.No.2518 of 2022, on the file of the



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III Additional Principal Court, Chennai, against the respondent/wife seeking for divorce. He had filed an Interlocutory Application in I.A.No.3 of 2023 under Section 4(2) of the Madras High Court Video Conferencing in Court Rules, 2020 r/w. Section 7 of the Family Courts Act to permit him to appear through video conference. The trial Court, by an order dated 26.07.2023, dismissed the application on the ground that the required facts does not contain the relevant particulars of the proposed remote site in the affidavit and also directed the petitioner to file a fresh affidavit with petition giving all the particulars in accordance with the Rules of Madras High Court VC Rules 2020. The petitioner, instead of filing a fresh affidavit with petition as directed by the Trial Court, had filed this revision petition. On perusal of the affidavit, which was filed by the petitioner before this Court, it is noticed that the petitioner has not stated any relevant particulars of the proposed remote site . Under these circumstances, I find no infirmity or illegality in the order passed by the Trial Court and there is no reason to interfere with the impugned. Hence, I find no merit in this revision and the same is liable to be dismissed.



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5. Accordingly, this Civil revision petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

05.01.2024

Index: yes/no
Internet:yes/no
mrp

To

The III Additional Principal Judge
III Additional Principal Family Court,
Chennai.



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V. SIVAGNANAM, J.

mrp

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