

C.R.P.(MD) No.1586 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(MD) No.1586 of 2026

and

CMP(MD) No.7642 of 2026

S.Vigneshwaran
represented by his power agent/father

K.Sivaprakasam

... Petitioner

vs.

B.Karthika

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 25.05.2026 passed in I.A.No.3 of 2025 in HMOP.No.327 of 2025 pending on the file of the Family Court, Thoothukudi.

For Petitioner : Mr.S.Conscious Ilango

For Respondent : Mr.G.Krishna Kumar

ORDER

Heard Mr.S.Conscious Ilango for the civil revision petitioner and Mr.G.Krishna Kumar for the respondent.



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2.The civil revision petitioner is the husband. The respondent is the wife. The husband initiated HMOP.No.1254 of 2025 on the file of the Family Court at Chennai, invoking Sections 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955, seeking divorce. Even at the time of filing the HMOP, he had shown the wife to be a permanent resident of Thoothukudi. The husband claims to be employed in the United States of America.

3.Soon after service of the summons by the Family Court at Chennai, the wife moved Tr.CMP.No.499 of 2025 before the Principal Seat of this Court. By an order dated 15.07.2025, taking into consideration the difficulties expressed by the wife, the proceedings were withdrawn from the file of the III Additional Family Court at Chennai and transferred to the file of Family Court at Thoothukudi. Subsequent to the transfer, the proceeding has been renumbered as HMOP.No.327 of 2025 by the Family Court, Thoothukudi.

4.Before the Family Court at Thoothukudi, the husband filed an application in I.A.No.3 of 2025 seeking permission to appear before the Court and depose in chief and cross-examination through video conferencing.



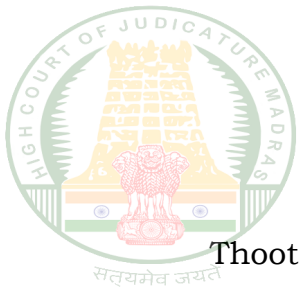
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WEB COPY 5.The wife filed a counter stating that in Tr.C.M.P.No.499 of 2025, the learned Judge had come to a conclusion that the husband must appear in person.

6.The Family Court at Thoothukudi took up the application for disposal on the basis of the affidavit and counter. It came to a conclusion that it is bound by the order passed by this Court in Tr.C.M.P.No.499 of 2025 dated 15.07.2025 and consequently, dismissed the petition. Hence, this revision.

7.It is the plea of Mr.S.Conscious Ilango that the husband is currently working in New Jersey in USA and on account of the prevailing visa situation, he is not in a position to come to India till 2027. He urges that as the video conferencing facility is available in the Family Court at Thoothukudi, the civil revision petitioner may be permitted to appear viz., video conferencing.

8.*Per contra*, Mr.G.Krishna Kumar states that the husband has avoided mediation proceeding throughout the pendency of the HMOP. He states that he had accompanied the respondent to Family Court at



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Thoothukudi at the time the case was posted for mediation. He adds that no serious mediation efforts had been taken by the husband. This statement is stoutly opposed by Mr.S.Conscious Ilango.

9.Be that as it may, as on today, the husband is in America. The respondent is in India at Thoothukudi. The facilities for online mediation are vastly improved post the COVID-19 pandemic. There are several dedicated mediators, who practice online mediation advocacy.

10.Being a family dispute and as the couple have brought forth a child from the wedlock, I am of the view at the first instance that the parties must compulsorily undergo mediation. In case, the mediation fails, it is for the civil revision petitioner to renew the application for video conferencing, giving appropriate reasons in support of the application. The bald affidavit filed in IA.No.3 of 2025 cannot pass muster. If such an application is filed, the learned Family Judge will decide the application *de hors* the observations made by this Court in Tr.C.M.P.No.499 of 2025 dated 15.07.2025.



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11.The *lis* that was presented in Tr.C.M.P.No.499 of 2025 was whether the proceedings from Chennai should be withdrawn and transferred to Thoothukudi. The learned Judge had not foreclosed the right of parties to appear online. This is because the learned Judge, though has recorded that the husband should make himself available personally, he left it open to both the parties to agree otherwise and also for the Court to deal with an application. This is clear from the following sentence:-

*“It is of course made clear that for chief and cross examination of the respondent/husband, he would have to necessarily make himself available personally before the Family Court, Thoothukudi, **unless and otherwise** both parties agree, otherwise and **it would also be possible for the Court.**”*

12.The observation shows that under normal circumstances, the Court has directed the husband to be present. The circumstance which Mr.S.Conscious Ilango pleads today cannot be treated as a normal circumstance, yet I am not willing to be swayed by the oral plea of Mr.Conscious Ilango. He has to substantiate the same by pleading to that effect and also by producing appropriate materials before the Court. Since there are insufficient pleadings, I am not inclined to interfere with the order passed by the Family Court.



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WEB COPY 13.This Civil Revision Petition stands dismissed with the following directions:-

i) The husband and wife shall appear before Ms.Chitra Narayanan, Senior Mediator and Advocate attached to this Court, for online mediation on **06.07.2026**.

ii) The mediator is requested to mediate the dispute between the civil revision petitioner and the respondent and arrive at a settlement.

iii) In the unfortunate and unlikely event of the matter not being settled through mediation, it is open to the civil revision petitioner, the husband, to file a fresh application seeking for appearance through video conferencing before the Family Court at Thoothukudi.

iv) It is expected that the husband and the wife will give their full cooperation to the mediator.

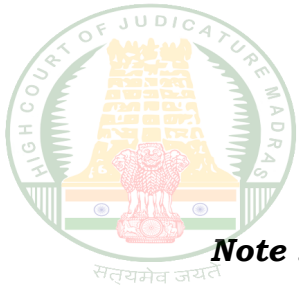
No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

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Note :

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Registry is to communicate this order to
Ms.Chitra Narayanan

To

The Judge,
Family Court, Thoothukudi.



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V. LAKSHMINARAYANAN, J.

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