



CRP(MD). No.3366 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18.02.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

**CRP(MD). No.3366 of 2025
and CMP(MD).No.18387 of 2025**

M.Malini

... Petitioner

Vs.

Karthik Dharmaraj Pathinettam Padiyan
represented by his Power Agent
A.Vatsala

... Respondent

PRAYER :-Civil Revision Petition filed under Article 227 of the Constituion of India, to quash the impugned order dated 20.09.2025 of the Learned Family Judge in HMOP No. 889 of 2021 and consequently to direct the Respondent/ Petitioner to appear in person for cross examination in the joint trial in HMOP No. 889 of 2021 and MC No. 175 of 2021 pending on the file of the Learned Family Judge, Madurai.

For Petitioner : Mr.B.Rooban

For Respondents : Mr.J.Alaguram Jothi

ORDER

This civil revision petition has been filed to set aside the impugned order



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dated 20.09.2025 of the Learned Family Judge in HMOP No. 889 of 2021 and consequently to direct the Respondent/ Petitioner to appear in person for cross examination in the joint trial in HMOP No. 889 of 2021 and MC No. 175 of 2021 pending on the file of the Learned Family Judge, Madurai.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the records.

3. The present application has been filed challenging the order passed by the trial Court permitting the revision petitioner to appear through Video Conferencing (VC).

4. The learned counsel appearing for the revision petitioner submitted that the procedure contemplated under the Madras High Court Video Conferencing Rules in Courts, 2020, has not been properly followed. He referred to Rule 4, sub-clauses (1), (2), (3), (4), and Rule 7, which are extracted herein.

4. Application for conduct of Court proceedings through Video Conferencing:

(1) The Court may, Suo Moto, or on the application of a party or witness decide to conduct the Judicial Proceeding by Video-conference.

(2) An application for Video-conferencing shall be



supported by an affidavit evidencing the Justifiable Circumstances, and all relevant particulars of the proposed Remote Site.

(3) Except in case of urgent applications for ex parte ad interim orders, the Court shall decide such application after serving notice to and hearing all parties concerned in accordance with these Rules.

(4) An order permitting the conduct of Judicial Proceedings through Video-Conferencing may:

(a) fix the date, time and schedule of the Video-Conference;

(b) appoint a co-ordinator at the Court Site and, where appropriate, at the Remote Site;

(c) enable public participation, through media representation or otherwise, at such hearings;

(d) provide for in-camera hearing at the Court and Remote Site;

(e) direct the payment of costs of Video-Conferencing and fix the time for payment thereof;

(f) where the hearing is for purposes of examining a witness or accused, specify the manner of transmission and authentication of the deposition and documents to and from the Court Site and Remote Site and for the exhibition thereof;

(g) issue further directions as may be considered necessary, incidental or ancillary to the conduct of hearings by Video-Conference.



7. Examination of Witnesses/Persons

(1) Any person being examined, including a witness, shall, before being examined from a Remote Site through Video-Conferencing, produce and file a proof of identity by submitting an identity document issued or duly recognized by the Government of India, State Government, Union Territory, or in the absence of such a document, an affidavit attested by any of the authorities referred to in Section 139 of the Code of Civil Procedure or Section 297 of the Code of Criminal Procedure , as the case may be. The affidavit must Inter Alia state that the person, who is shown to be the person to be examined as a witness, is the same person who is to depose at the virtual hearing. A copy of the proof of identity or affidavit, as the case may be, will be made available to the opposite party.

(2) The person being examined will ordinarily be examined during Court hours or at such time as the Court may deem fit. The oath will be administered to the person being examined by the Coordinator at the Court Site.

(3) The Court shall obtain the signature of the person being examined once such examination is concluded and the signed deposition shall form part of the record of the Court. The following procedure shall be followed for the above purpose:



(4) If digital signatures are available at both the Court and Remote Site, upon conclusion of such examination, the soft copy of the deposition shall be transmitted electronically forthwith in a non-editable scanned format by the Coordinator at the Court Site to the Remote Site. Upon receipt, it shall be digitally signed by the witness and duly certified by the Coordinator at the Remote Site and re-transmitted forthwith in a non-editable scanned format to the official email of the Court Site. Upon receipt of the same, the soft copy of such deposition shall be digitally signed by the judge/presiding officer at the Court Site and form part of the Court records. The hard copy of the deposition, signed by the witness and duly certified by the Coordinator at the Remote Site, should be dispatched after each hearing is concluded, preferably within three days thereof, by the Coordinator at the Remote Site to the Court Site by recognised courier/registered post. Upon receipt, it shall be signed by the judge/presiding officer, who shall compare the hard copy with the soft copy and, if identical, make the following endorsement: “verified and compared with the scanned copy and found to be identical”.

(5) If digital signatures are not available, the deposition shall be transmitted electronically forthwith in a noneditable scanned format by the Coordinator at the Court Site to the Remote Site. Upon receipt, the print-out of the deposition shall be signed by the witness, duly



certified by the Coordinator at the Remote Site and retransmitted forthwith electronically in a non-editable format by the Coordinator at the Remote Site to the official email account of the Court, where a printout of the same should be taken, signed by the judge at the Court Site, and be made a part of the Court record. The hard copy should also be dispatched preferably within three days thereof by the Coordinator at the Remote Site to the Court by recognised courier/registered post. Upon receipt, it shall be signed by the judge/presiding officer, who shall compare the hard copy with the scanned copy and, if identical, make the following endorsement: “verified and compared with the scanned copy and found to be identical”.

(6) An audio-visual recording of the examination shall be made at the Court Site and preserved. If feasible, an encrypted master copy with hash value shall be retained as a part of the record.

(7) The Court may, at the request of a person to be examined, or on its own motion, taking into account the best interests of the person to be examined, direct appropriate measures to protect the privacy of the person examined bearing in mind aspects such as age, gender, physical condition and recognized customs and practices.

(8) The Coordinator at the Remote Site shall ensure that no unauthorized person is present at the Remote Site and that the witness is not assisted or tutored during the



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examination.

(9) The examination shall, as far as practicable, proceed without interruption or the grant of unnecessary adjournments. However, the Court or the Commissioner, as the case may be, will be at liberty to determine whether an adjournment should be granted, and if so, on what terms.

(10) The Court may also impose such other conditions as are necessary in a given set of facts for effective conduct of the examination.”

5.It is contended that the Court may, either suo motu or on an application, permit examination of a witness through VC, provided such application is supported by an affidavit, and the evidence is recorded in accordance with the prescribed procedure. It is further submitted that such procedure is to be strictly followed, especially in cases involving examination of witnesses through VC.

6.The learned counsel further pointed out that, in the present case, an affidavit was filed by the respondent, as seen at page 210 of the typed set, dated 27.10.2025, and the same was attested on the very same day in the United States of America. However, the said affidavit was filed before the Family Court only on 28.10.2025, as stated at page 10 of the present Civil Revision



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7.Per contra, the learned counsel for the respondent submitted that the appearance of parties through VC is only to facilitate the participation of any one in the proceedings and that no prejudice would be caused even if there is any procedural deviation.

8.The only point for consideration is, whether the procedure contemplated under the Madras High Court Video Conferencing Rules in Courts, 2020, has been duly followed. The said Rules are intended to facilitate parties to appear and participate in trial proceedings through VC and also mandate the filing of an affidavit to ensure the authenticity and authority of the person deposing before the Court.

9.In the present case, the trial Court accepted the affidavit and permitted the examination. The proceedings dated 28.10.2025 show that the matter was called for appearance of PW1 along with affidavit.

10.When the Rules specifically prescribe the procedure, the Family Court is bound to strictly adhere to the same and cannot violate the Rules by



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permitting examination through VC without proper compliance.

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11. Accordingly, the procedure adopted by the Family Court is set aside. There shall be a direction to the Family Court to strictly follow the Madras High Court Video Conferencing Rules in Courts, 2020, in its entirety.

12. In the result, this Civil Revision Petition is allowed. The respondent is at liberty to file a fresh application seeking permission for examination of PW1 through VC. Four weeks time is granted to the respondent for filing such application from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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18.02.2026

To

1. The Judge, Family Court, Madurai.

2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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N.SENTHILKUMAR, J.

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