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

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Date of decision : 03.09.2026

Balram Sansoa**..... Petitioner****V/S****Vinod Kumar Drall and Others****..... Respondents****CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Sandeep Khunger, Advocate for the petitioner.

AMARJOT BHATTI J. (ORAL)

1. Petitioner/defendant No.4 Balram Sansoa filed present civil revision against impugned order dated 30.04.2026 (Annexure P-6) passed by learned Civil Judge (Junior Division), Gurugram whereby the learned Civil Judge (Junior Division), Gurugram has modified the earlier order dated 19.03.2026 (Annexure P-4) and directed the petitioner/defendant No.4 to come present physically from United Kingdom for remaining cross-examination without any valid justification.

2. Learned counsel for petitioner pointed out that Vinod Kumar Drall filed suit (Annexure P-1) for specific performance and declaration with consequential relief of permanent injunction against Stephen Kumar Sansoa, K.C.Chibber and Surender Yadav. During the pendency of the suit, present petitioner along with others filed application under Order 1 Rule 10 read with Section 151 CPC for impleading them as defendants which was allowed by the trial Court vide order dated 07.07.2025 (Annexure P-2). The written statement



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filed by them is Annexure P-3. Thereafter, present applicant/defendant No.4 filed application seeking permission of the Court for recording of his statement through video conferencing. The said application was also allowed by learned Civil Judge (Junior Division), Gurugram vide order dated 19.03.2026 (Annexure P-4). His statement was being recorded as DW-5 and the cross-examination was also going on. The cross-examination of present petitioner as DW-5 is Annexure P-5. During the cross-examination through video conferencing he was confronted with the document by showing signatures alone, to which he as a witness insisted to show the entire document so that he could give reply to the said question. At this point of time, Court observed that presence of petitioner/defendant No.4 as DW-5 was required in the Court for further cross-examination. The corresponding zimni order dated 30.04.2026 is Annexure P-6. Learned counsel representing petitioner has referred to the judgment of Bombay High Court in ***Writ Petition No.4281 of 2008*** decided on 11.07.2008 case titled '***H.N. Rai Vs. Ajay Mohan***' where it was observed that by applying the principles of Section 159, 160 and 161 of the Indian Evidence Act, 1872 that it would be unfair for the witness to deny him benefit of seeing document and asking him to identify his signature on document by covering rest of the portion of the document. It is further pointed out that there was no requirement for the present petitioner as DW-5 to appear in the Court physically for further cross-examination as there are elaborate Rules for video conferencing for Courts and according to that his cross-examination was required to be conducted. On this point, he has relied upon Rule 9 of Model



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Rules in Volume-V, Chapter-1-H of the High Court Rules and Orders, which runs as under:-

“9. Preparatory arrangements

(1)The coordinator at the designated place/remote point shall ensure that;

(a) the required persons scheduled to appear in a particular proceeding are ready at the remote point/designated place for video conferencing well before the scheduled time;

(b) no unauthorized recording device is used;

(c) no unauthorized person enters the remote point or designated place when the video conference is in progress;

(d) the person being examined is not prompted, tutored, coaxed, induced or coerced in any manner by any person and that the person being examined does not refer to any document, script or device without the permission of the Court concerned during the course of examination.

(2) Where the witness to be examined through video conferencing or other audiovisual electronic communication requires or if it is otherwise expedient to do so, the Court shall give sufficient notice in advance, setting out the schedule of video conferencing and in appropriate cases may provide the copies of all or any part of the relevant documents in electronic form to the coordinator of the concerned remote point.



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(3) Before the scheduled video conferencing, the Court shall ensure that the coordinator at the designated place or remote point receives in electronic form, copies of all or any part of the documents which may be required for recording of evidence, or for reference of the witness. However, coordinator shall allow such documents in electronic form to be used by the required person only with the permission of the Court.

(4) Whenever required, the Court shall order the coordinator at the Remote Point or at the Court Point to provide-

(a) a translator in case the person to be examined is not conversant with the official language of the court;

(b) an expert in sign languages in case the person to be examined is impaired in speech and/or hearing;

(c) an interpreter or a special educator, as the case may be, in case a person to be examined is differently abled, either temporarily or permanently;

(d) a person for reading of documents in case the person to be examined is visually challenged.”

It is submitted that keeping in view the aforesaid factual position, the impugned order dated 30.04.2026 (Annexure P-6) may kindly be set aside by accepting present civil revision and he may be allowed to appear in the Court through video conferencing for his remaining cross-examination as DW-5.

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3. The petitioner has annexed all the relevant documents along with present civil revision for proper adjudication of the present case. No purpose would be served by issuing notice to the respondent and the same is accordingly dispensed with.

4. I have considered the arguments as well as the documents on record. The contents of plaint (Annexure P-1) indicate that plaintiff Vinod Kumar Drall filed suit for specific performance and declaration with consequential relief of permanent injunction on the basis of agreement to sell dated 17.01.2011 executed by defendant No.2 being general power of attorney holder dated 08.06.2001 of defendant No.1. Said defendant No.1 Stephen Kumar Sansoa is the brother of present petitioner who was later-on arrayed as defendant No.4 on filing his application under Order 1 Rule 10 read with Section 151 CPC which was allowed by learned Civil Judge (Junior Division), Gurugram vide order dated 07.07.2025 (Annexure P-2). The defendant Nos.4 to 6 including the present petitioner filed written statement (Annexure P-3) vide which he denied to have authorized either defendant No.1 or defendant No.2 to sell their share of property to the plaintiff.

Trial in this case is going on. The documents on record indicate that the case was pending for defendant's evidence and the statement of present petitioner Balram Sansoa was being recorded as DW5. The learned Civil Judge (Junior Division), Gurugram allowed his application to appear through video conferencing vide order dated 19.03.2026 (Annexure P-4). The cross-examination conducted on him as DW5 is Annexure P-5. Substantial cross-examination was already completed. Further cross-examination was deferred

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as the witness was confronted with a document by showing his signatures and rest of the document was covered, to which the witness insisted to show the entire document for giving appropriate reply. At this stage, the learned trial Court vide impugned order dated 30.04.2026 directed the witness to appear in person for further cross-examination.

5. In the light of aforesaid factual position, I have considered the facts and passing of impugned order dated 30.04.2026 (Annexure P-6) by the trial Court. It is the prerogative of witness to give reply to the question put to him. The conduct, demeanor of the witness can be noted down if the witness refused to give reply without seeing the document. The learned trial Court would have given his observation on this point, otherwise the cross-examination and to confront him with any document through video conferencing elaborate rules have been framed as referred above. Accordingly, the witness could have been cross-examined by confronting him with the said document. Since the witness refused to give reply without seeing the document and for this purpose alone, the learned trial Court was not justified by insisting him to appear in person for further cross-examination. Admittedly, the witness is residing in United Kingdom and he was already allowed to appear through video conferencing vide order dated 19.03.2026 (Annexure P-4). I do not find any valid reason to modify the said order by calling upon him to appear in person for further cross-examination vide order dated 30.04.2026 (Annexure P-6).

Therefore, present civil revision preferred by petitioner/defendant No.4 is accepted and impugned order dated 30.04.2026 (Annexure P-6) is set

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aside with the direction to learned trial Court to continue with the cross-examination of witness as DW-5 through video conferencing as per the specific rules framed thereon as referred above. Since the civil suit is pertaining to the year 2016, learned trial court is directed to expedite the trial.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

03.09.2026.
Sunil Devi

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No