

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

CR No.6466 of 2017

Date of decision: 21.09.2017

Mrs. Harminder Kaur Brar

...Petitioner

Versus

Mrs. Jasminder Seth and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Malkit Singh Jandiala, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 19.07.2017 passed by the Additional Civil Judge (Senior Division), U.T., Chandigarh, whereby application filed by defendant No.1-Harminder Kaur Brar (petitioner herein) for permission to examine her by way of video conferencing, has been dismissed.

A perusal of the impugned order shows that the application has been dismissed on the ground that there was no medical evidence on the record, on the basis of which, it could be held that she was unable to come and depose as a witness for the purpose of cross-examination.

Learned counsel for the petitioner submits that petitioner (defendant No.1) is suffering from several diseases, which have been detailed in her application (Annexure P-2). Due to this reason, she is unable to travel from Bhopal to Chandigarh for the purpose of cross-examination.

Heard.

A Co-ordinate Bench of this Court in **Sat Pal Dhawan and another Vs. Davinder Singh Aulakh and others**, 2017 (1) PLR 166, had

granted permission to examine a witness through video conferencing, as the

said witness was a heart patient and was residing in USA. While allowing the petition, it has been observed that video conferencing is an advancement in science and technology, which permits one to see, hear and talk with someone located at far away places with comfortable ease. In such a manner, a person is present before a person having conversation on screen. Except for touching one can see, hear and observe as if the party is in the same room. The facility of play back would give an added advantage while cross examining the witness as he can be confronted with documents or other material or statement in the same manner as if he/she was in Court. Petitioner, in that case, had undergone a by-pass surgery in the year 2000, Angioplasty in the year 2005 and Cardio versions three times thereafter.

In the present case, plaintiff-respondent No.1 herself admitted in her plaint (Annexure P-1) that her mother-defendant No.1 (petitioner herein) was suffering from several diseases and mental disorder. Moreover, she is 80 years of age and residing in Bhopal.

In view of the peculiar facts and circumstances of the case and the fact that petitioner, who is an old lady of 80 years of age, is suffering from various ailments, as admitted by the plaintiff herself, this Court is of the view that she cannot travel a long distance from Bhopal to Chandigarh for the purpose of cross-examination.

Resultantly, this petition is allowed and the trial Court is directed to record the cross-examination of petitioner-Harminder Kaur Brar (DW-1) through video conferencing.

21.09.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No