

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR 182-2017 (O&M)

Date of decision: 17.05.2018

Sucha Singh

.....Petitioner

versus

Ajmer Singh and another

.....Respondents

CR 272-2017 (O&M)

Sucha Singh

.....Petitioner

versus

Ajmer Singh and another

.....Respondents

**CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.Paramjit Batta, Advocate for the petitioner  
Mr.G.S.Punia, Senior Advocate with  
Mr.P.S.Punia, Advocate for the respondents

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

**Kuldip Singh, J. (Oral)**

By this single judgment I shall dispose of two revision petition bearing CR-182-2017 and CR- 272-2017. However, for facility of reference, the facts are being taken from CR-182-2017.

Impugned in the present revision petition is the order dated 5.1.2016 (Annexure P3) passed by learned Civil Judge (Junior Division), Samrala, vide which, application for extension of time for recording statement of Sucha Singh through Video Conferencing was declined.

Heard.

It comes out that Civil Suit between the parties is pending before the Court of learned Civil Judge (Junior Division), Samrala. The matter came up before this Court on the question as to whether Sucha Singh, who is residing at USA, can allow to be examined by way of Video Conferencing. This Court vide order dated 16.10.2015 passed in CR 6571 of 2014 allowed the said prayer stating that the witness can be confronted with the documents with close proximity to the camera. The witness will go to some local authority where such facility is available. Petitioner himself is at liberty to choose a place which shall be a public authority where such facility is available and inform the Court within a period of four weeks. Alternately, the petitioner will identify the Indian Consulate in the nearest place from his residence and produce the Court order to secure the permission for hearing. The petitioner shall make himself available during the Court working hours in India and give a date which is mutually convenient to the Court and the Consulate or the Public Office.

I am of the view that the evidence of Sucha Singh who is party to the case is very material. Therefore, his evidence is required to be recorded. He is living in USA. Since, there is 12 hours difference of time, therefore, when it is a day time in India, there is night time in USA. Therefore, there will be a difficulty in approaching the Public Authority at night time to allow Video Conferencing facility. The Video Conferencing is now available at Computer and the Mobile and so many applications are available like Facetime, Whatsapp, Skype and other similar applications.

It being so, necessity of approaching the nearest Consulate is not there. Since, evidence is material to the decision of the case, therefore, the time for recording statement of Sucha Singh is extended and Sucha

Singh is allowed to examine himself by way of Video Conferencing through Mobile or Computer on an application, which shall be intimated to the trial Court and which shall be installed on the Computer, Laptop or I Pad. The petitioner shall intimate the time and date when he will be available on such application to the Court within two weeks from today and thereafter, the Court shall fix the convenient date for examination and cross-examination of said Sucha Singh through Video Conferencing. The said witness shall be identified by the opposite party or any other person nominated by them. It is further directed that if any document is sought to be put to the said witness, photocopy of the same will be supplied to the opposite party in advance and the same can be sent to the witness, in advance, so that he may answer on the said document.

Revision is accordingly allowed.

A copy of the order be placed on the connected case file.

**17.05.2018**

*gk*

**(Kuldip Singh)  
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No