

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Civil Revision No. 237 of 2019

Date of Decision: 21.01.2019

Jagjit Singh Gill

.....Petitioner

**Versus**

Karan Aggarwal

.....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vaibhav Sehgal, Advocate  
for the petitioner.

Mr. Aayush Gupta, Advocate  
for the caveatorrespondent.

**AVNEESH JHINGAN, J.(oral)**

Aggrieved of the order dated 14.12.2018 passed by the Civil Judge, Junior Division, Ludhiana, (for short 'Court below') allowing the application permitting Amandeep Kaur to depose in the suit via video conferencing upon certain terms and conditions, the present civil revision has been filed.

The brief facts are that a recovery suit was filed by the respondent-plaintiff in the year 2008. In the said suit, the petitioner-defendant moved an application seeking permission that Amandeep Kaur who is residing at Canada and is not medically fit, be permitted to depose as witness via video conferencing. The said application was allowed subject to costs of Rs.10,000/- and certain conditions were put to the petitioner as mentioned in the impugned order. Being aggrieved of the conditions imposed, the present civil revision petition has been filed.

Learned counsel for the petitioner argued that the said conditions are beyond the scope as defined by the Supreme Court in *Sujoy Mitra Versus*

***State of West Bengal, 2015 (16) SCC 615.***

Learned counsel for the caveator opposed the contention raised by the petitioner and defended the order.

After arguing for sometime, both the counsel agreed that the impugned order be set aside and the matter be remanded back to the trial Court to decide the application afresh. Before deciding the application on merit, the petitioner shall be required to prove that Amandeep Kaur is sick and is not able to travel and only then the issue, whether she is to be allowed to depose by Video Conferencing shall be decided by the trial Court.

Ordered accordingly.

Since, the matter is old and one of the party would always be interested to delay the matter. The Court below shall decide the application within eight weeks from receipt of certified copy of this order.

It is, however, made clear that the petitioner in no circumstance shall ask for any adjournment and after deciding the application, the Court below shall ensure that the suit is also disposed of as expeditiously as possible.

Both the counsel undertakes that no adjournment shall be taken by either of the parties and in case if it is taken, it would be subject to heavy costs.

**21.01.2019**

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**(AVNEESH JHINGAN)  
JUDGE**

Whether speaking/reasoned  
Whether Reportable:

Yes/No  
Yes/No