

113 2nd case

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

CR-2853-2021

Date of decision: 18.11.2021

KULWANT RAI

...Petitioner

Versus

RAJINDER SINGH ALIAS RAJINDER SINGH WARAICH (SINCE
DECEASED) THROUGH LRs

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sudhir Paruthi, Advocate for the petitioner.

ARUN MONGA, J. (ORAL)

Petition herein is against the order on dated 08.10.2021 (Annexure P-5) passed by learned Rent Controller (NRI Court), Jalandhar, whereby, application filed by the respondents for recording the statement of Smt. Rupinder Kaur Bains, daughter of late S Rajinder Singh, through Video-Conference, was allowed.

2. I have heard learned counsel for the petitioner and gone through the case file.

3. On a Court query as to how the petitioners are prejudiced by the impugned order permitting recording of the statement of the owner of the premises in question through Video-Conference, who is concededly staying in Canada and is unable to travel to India currently either due to some personal difficulty or due to the difficulties being caused by the disruptions of the normal flights due to COVID-19 whatever the case may be, learned counsel for the petitioners submits

that it would create problem to cross-examine her through Video-Conference as she is to be confronted with certain documents which are being relied by the petitioner/tenants.

4. I do not find any merit in the arguments. The said documents can very easily be put to the respondents by way of PDF through electronic mode at the time of her cross-examination. In the premise, no grounds for interference are made out.

5. No interference is called for in the order assailed herein, which is premised, *inter alia*, on the following reasoning:

“XXX XXX XXX

5.XXX *As far as the question of documents to be summoned, those can be summoned for that day and this is in fact not an impediment in examination.*

6. *Non-appearance of the applicant in person does not remain a hurdle in examination anymore . Modern technology has enabled courts to connectivity which enable the dispensation of justice to take place in diverse settings and situations without compromising the core legal principles of adjudication. Indian courts have been proactive in embracing advancement in technology in judicial proceedings. The use of technology found judicial recognition in precedent of this Court in State of Maharashtra Vs. Praful Desai (2003) 4 SCC 601. Hon’ble Apex Court held that the term ‘evidence’ includes electronic evidence and that video conferencing may be used to record evidence. It observed that developments in technology have opened up the possibility of virtual courts which are similar to physical courts.*

7. *In the light of above authoritative pronouncement, it can be said that if witness is in foreign country, advancements in communication technology make possible for the Courts to avail of the facility of examination through video conferencing. Accordingly, the application under consideration is hereby allowed.*

XXX XXX
XXX XXX

9. *Regarding the contention of learned counsel for respondent for examination by way of appointment of Commissioner is concerned, it is very onerous. As per the petition from the demised premises is for a rent of very meagre amount and evidence through commissioner would cost much higher than the income generated from building. It would be very burdensome for petitioner.”*

6. A perusal of above leaves no manner of doubt that there is no irregularity either in facts or in law, so as to exercise extraordinary revisional jurisdiction vested with this court.
7. There is no room for interference in the aforesaid valid reasons recorded by the trial Court, with which I am in agreement with.
8. Dismissed.

(ARUN MONGA)
JUDGE

November 18, 2021
vandana

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