

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 1088 of 2022

Manoranjan Pattnaik and another* *Petitioners
Miss Deepali Mahapatra, Advocate

-versus-

Reeta Pattnaik @ Reeta Prakash* *Opp. Parties
Chandra Patnaik and others

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
10.11.2022

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Petitioners in this writ petition seek to assail the order dated 30th September, 2022 (Annexure-9), whereby learned 1st Additional Senior Civil Judge, Cuttack allowed an application for examination of DW-1 through video conferencing in terms of provisions under Orissa High Court Video Conferencing for Courts Rules, 2020 (for short, 'the Rules').
3. Miss Mahapatra, learned counsel for the Petitioners submits that in case of examination of witness through video conferencing, application under Rule 6(2) of the said Rules has to be made. In addition to that learned trial Court examining the witness through video conferencing must follow the procedure provided under Rule-8 of the said Rules. In the instant case, before resorting to examination of witness through video conferencing neither learned trial Court discussed the matter

with the Plaintiff nor has followed the procedure laid down under Rule-8 of the said Rules. In that view of the matter, the impugned order is not sustainable in the eyes of law.

4. Upon hearing learned counsel for the Petitioners and on perusal of impugned order under Annexure-9, it appears that although learned trial Court has taken note of the application filed by Defendant Nos.1(A) to 1(C) for cross-examination of DW No.1 through video conferencing, but he has not discussed as to whether the procedure provided under Rule-6 or Rule-8 of the Rules have been followed or not. Before resorting to cross-examination of DW No.1 through video conferencing, learned trial Court is required to see that the procedure laid down under Rules-6 and 8 of the Rules are complied with.

5. In that view of the matter, the impugned order under Annexure-9 is set aside and the matter is remitted back to learned 1st Additional Senior Civil Judge, Cuttack to adjudicate the application filed under Rule 6(2) of the Rules afresh giving opportunity of hearing to the parties concerned by resorting to the procedure provided under the Rules, for cross-examination of DW-1.

5.1 It is made clear that this Court has not expressed any opinion on the merit of the contentions raised by learned counsel for the Petitioner.

Issue urgent certified copy of the order on proper application.

s.s.satapathy

(K.R. Mohapatra)
Judge