

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

CR-6788-2019 (O&M)

Date of Decision : 22.12.2022

Navdeep Mann

....Petitioner

VERSUS

Gurniwaj Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. B.K. Mehta, Advocate for the respondents.

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ALKA SARIN, J. (Oral)

The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 14.05.2019 whereby the application for the examination of the plaintiff-petitioner through video conferencing has been declined.

Learned counsel for the plaintiff-petitioner would contend that the plaintiff-petitioner is a resident of Australia and due to her job constraints she is unable to come to India for deposing and hence has requested that she be permitted to depose by way of video conferencing. Learned counsel for the plaintiff-petitioner has further made a categorical statement on instructions that no objection would be raised by the plaintiff-petitioner qua the originals not being put to her and she would be satisfied if the photocopies of the documents which the witness is to be confronted with are given in advance to the counsel who shall forward the same to the plaintiff-petitioner.

Per contra, learned counsel for the defendant-respondents has stated that since the dispute is qua two Wills and the witness would need to be confronted with the originals, hence the application for examination of the witness through video conferencing has rightly been rejected.

Heard.

In view of the statement made by the learned counsel for the plaintiff-petitioner that she would not raise any objection qua the originals not having been put to her in case she is permitted to lead her own evidence as plaintiff by way of video conferencing, the present revision petition is allowed and the plaintiff-petitioner is permitted to be examined and cross-examined by way of video conferencing. It is made clear that no objection shall be raised by the plaintiff-petitioner qua the originals not having been put to her during the cross-examination. It is also made clear that any document which the defendant-respondents wish to confront the witness with would be handed over to the counsel for the plaintiff-petitioner in advance which shall then be forwarded to the plaintiff-petitioner so that she can respond accordingly. The statement shall be recorded in conformity with the Punjab and Haryana High Court Rules and Order Volume-V Chapter 1-H. Pending applications, if any, also stand disposed off.

December 22, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO