



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13628 OF 2023

Pradeep Bhalchandra Keer

..... Petitioner

V/s.

Mohan Bhalchandra Samant

..... Respondent

Mr. Uzair Z. Kazi i/b YMK Legal for the Petitioner.

Mr. Vivek Kantawala a/w. Mr. Amey Patil, Mr. Shanay Bafna i/b M/s. Vivek Kantawala and Co. for the Respondent.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 31st OCTOBER, 2023.

P.C.:

1. The impugned order dated 16/10/2023 permits the cross examination of the Respondent- sole defendant to be conducted through video conference for the reasons that the Respondent is 82 years old senior citizen presently residing in London. Perusal of the impugned order shows that appropriate care has been taken by the trial Court to ensure that the cross examination will be conducted in the open court. As such the concerned Judge will be monitoring the entire evidence. It is not as if the cross examination is to be conducted by a Commissioner or in arbitration

process whereby there would be an apprehension of the witness being prompted whilst under cross examination.

2. It need not be stated that conducting virtually hearings is need of the hour as has been emphasized in the recent decision of the Apex Court in *Sarvesh Mathur vs. Registrar General, High Court of Punjab & Haryana in Writ Petition No.351/2023*. We cannot be insensitive to the fact that to call upon 82 years old senior citizen, irrespective of the facts involved in the instant case, to travel all the way from London for the purpose of cross examination is a travesty in this age and hour of modern technology available. At this stage it also needs to be noted that during the pandemic the Courts were functioning through Video Conferencing and even arbitration were held and conducted successfully. It would be presumed that appropriate systems will be set up in place for the purpose of ensuring that the witness is not prompted by any person during the cross examination. Needless to clarify that it will be necessary for the Respondent to ensure that adequate computers /system will be in place to ensure that the entire room is visible during the cross examination. This is only by way of an additional safeguard. I have no doubt that considering that the concerned Judge will be monitoring the whole process, the apprehension expressed by

the Petitioner is unfounded.

3. For the foregoing reasons, Petition is dismissed.

(SHARMILA U. DESHMUKH, J.)