

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

CR-305-2017 (O&M)

Date of Decision : 09.01.2023

Mahee Sandhu and Another

....Petitioners

VERSUS

Yadvinder Singh Sandhu and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Kanwar Abhay Singh, Advocate for the petitioners.

Mr. Robin Dutt, Advocate for respondent Nos.1, 2, 4 and 5.

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ALKA SARIN, J. (Oral)

The present revision has been filed under Article 227 of the Constitution of India for setting aside the order dated 09.09.2016 whereby the application for permission to record the evidence by way of video conferencing of Rupjinder Kaur Sandhu was declined.

Learned counsel for the petitioners would contend that the present suit has been filed by the minors through their mother Rupjinder Kaur Sandhu, who resides in Canada, and that it would not be possible for her to come to India to get her statement recorded and therefore she had moved an application for recording of her statement through video conferencing. Learned counsel for the petitioners has further referred to the Video Conferencing guidelines for the conduct of Court Proceedings between Courts and Remote Sites and the Video Conferencing facilities set

up at other places in the States of Punjab, Haryana and U.T. Chandigarh to contend that detailed guidelines have been laid down for conducting of examination of persons who are over-seas and in such a case where the person is overseas, the Coordinator would be an official of Consulate/Embassy of India who shall also verify the identity of the person to be examined.

Per contra, learned counsel for the respondent has contended that there would be the time difference and hence it would not be possible to get the statement recorded by way of video conferencing.

Heard.

In the present case the limited prayer is that the statement of Rupjinder Kaur Sandhu be recorded by way of video conferencing. This Court has laid down detailed guidelines for the conduct of Court Proceedings between Courts and Remote Sites and the Video Conferencing facilities set up at other places in the States of Punjab, Haryana and U.T. Chandigarh. Guideline No.3.4(i) reads as under :

“3.4 The Co-ordinator at the remote point may be any of the following:-

i) Where the person to be examined is overseas, the Co-ordinator shall be the official of Consulate/Embassy of India, who shall also verify the identity of the person to be examined.

xxx ”

In view of the fact that detailed guidelines have already been laid down, I do not see any reason to deny the petitioners' the right to get Rupjinder Kaur Sandhu examined by way of video conferencing.

In view of the above, the present revision petition is allowed and the order dated 09.09.2016 is set aside. The Trial Court shall get the statement of Rupjinder Kaur Sandhu recorded by way of video conferencing inconsonance with the guidelines laid down by this Court. Pending applications, if any, also stand disposed off.

January 09, 2023
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(ALKA SARIN)
JUDGE

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