

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.3990 of 2023(O&M)
Date of Decision: 01.08.2023

Sandeep SaggooAppellant
Vs
Rajpal KaurRespondent

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH
HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present:Mr. Kamal Chaudhary, Advocate
for the appellant.

Mr. Ankur Jain, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

CM No.13306-CII of 2023

On the basis of consensus, this appeal itself is being disposed of, therefore, delay of 36 days in filing the appeal is condoned.

Application stands allowed.

Main case

[1]. The appellant has assailed the order dated 14.03.2023 passed by the Principal Judge, Family Court, Panchkula, dismissing the application for recording the statements of the parties at the stage of second motion through Video Conferencing.

[2]. Perusal of the record would indicate that in a petition under Section 13-B of the Hindu Marriage Act, statements of the parties were recorded on 26.04.2022 at the stage of first motion. On that day, respondent-Rajpal Kaur was present in the Court in person. Thereafter, the case was adjourned to 15.11.2022 for recording the statements of the parties at the stage of second motion. On that day, the case could not be taken up and the same was adjourned to 09.01.2023 i.e. the date on which only learned counsel for the petitioner appeared. Rajpal Kaur appeared through special power of attorney executed by her on 06.04.2022. Both the parties intended to appear through respective power of attorneys as they are living abroad.

[3]. The prayer in question has been rejected by the Principal Judge, Family Court, Panchkula on the premise that their statements cannot be recorded through their attorneys and they can seek divorce in the country in which they are living.

[4]. We have heard learned counsel for the parties.

[5]. As on date, it is not in dispute that Video Conferencing is available at Computer, Mobile and many applications like Facetime, WhatsApp, Skype etc. The statements of the parties at the stage of second motion is a material step for deciding a petition under Section 13-B of the Hindu Marriage Act. The facility is also available in every Court.

[6]. In our considered opinion, there cannot be any

plausible objection for adopting the procedure of recording the statements of the parties through Video Conferencing subject to some precautions to be taken, both as to the identity of the witnesses/parties and accuracy of equipment used for that purpose. Both the parties who intend to avail such facility, shall be under obligation to meet the entire expenditure. Both the parties are living abroad and they have amicably decided to part ways, therefore, Family Court ought to have exercised its discretion to allow the prayer in the best interest of the parties, where no subsisting *lis* remains for consideration of the Court.

[7]. A Division Bench of this Court in **FAO No.351 of 2013** titled **Jasjit Saini Vs. Sanjeev Pal Singh Saini** decided on 09.12.2013, even allowed recording of statements through special attorneys by making some divergence from normal rules of requiring the parties to appear in person. Even under the guidelines issued by the High Court for the conduct of Court proceedings through Video Conferencing, the parties can be directed to follow criteria meticulously, so as to get the required recording of statements through Video Conferencing. The parties shall abide by the guidelines framed by the High Court in the context of Cost of Video Conferencing and Procedures Generally.

[8]. For the reasons recorded hereinabove, we deem it appropriate to set aside the order dated 14.03.2023 passed by

FAO No.3990 of 2023(O&M) 2023:PHHC:098435-DB 4

the Principal Judge, Family Court, Panchkula. This appeal is accordingly allowed. Principal Judge, Family Court, Panchkula shall allow the parties to get their statements recorded through Video Conferencing at the stage of second motion in accordance with the guidelines provided under High Court Rules and Orders i.e. Punjab High Court, Vol. III, Chapter 9, Part A.

**(RAJ MOHAN SINGH)
JUDGE**

**(HARPREET SINGH BRAR)
JUDGE**

01.08.2023

Prince

Whether reportable

Yes/No

Whether reasoned/speaking

Yes/No