

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

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2023:PHHC:104561

CR-16471-2018

Date of decision: 11.08.2023

KULJINDER SINGH

..Petitioner

Versus

HARDEEP KAUR AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajiv Joshi, Advocate
for the petitioner.

Mr. Liaqat Ali, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is the defendant in a pending suit. He has set up a registered Will dated 17.12.2004, executed by his father bequeathing the property in his favour. In order to prove the same, he filed an application before the trial Court to examine the attesting witness Sh. Bhupinder Singh, Nambardar through video conferencing as he is settled in Canada. The other witness Sh Harjinder Singh is permanently settled in the United States of America. The application has been dismissed by the trial Court while observing that the petitioner is required to take recourse of appropriate remedy available under the Indian Evidence Act, 1872.

2. With the advent of new technology, unnecessary travel of the witness can possibly be avoided. The result of the said experiment with the mode of video conferencing has been encouraging so far. During Covid-19 pandemic also, the entire proceedings of the Court have successfully been conducted through the video conferencing i.e. the virtual mode.

3. The learned counsel representing the respondents failed to draw the attention of the Court to any serious prejudice, which may be caused to the plaintiff (respondent herein) if the witnesses are permitted to be examined online.
4. Keeping in view the aforesaid facts and circumstances, the impugned order dated 26.11.2018 is set aside. The trial Court is requested to permit the defendant (petitioner herein) to examine the attesting witness Sh. Bhupinder Singh through the mode of video conferencing while ensuring that the learned counsel representing the plaintiff gets an opportunity to cross-examine the witness.
5. Disposed of accordingly.
6. All the pending miscellaneous applications, if any, are also disposed of.

August 11th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*