



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 16883 OF 2024

Haijyotsingh Guljarsingh
Bhullar

...Petitioner

vs.

Sultanpure Textiles Mills Thr
Its Proprietor And Ors

...Respondents

Ms. Leena D. Sapre	Advocate for the Petitioner
Ms. Prabha Badadare a/w Mr. Omkar Nagvekar	Advocate for the Respondent

CORAM : S. M. MODAK, J.

DATE : 21st NOVEMBER 2024

P.C. :-

1. Heard learned Advocate for the Petitioner-Defendant No. 4.
2. In fact, he is director of Defendant nos. 1 and 2. On account of some shoulder injury, he filed an application before the Court of Civil Judge Senior Division, Ichalkaranji for recording of his evidence through video conferencing. It is rejected by the trial Court as per Order dated 29.07.2024. It is challenged. I have read the Order.

Learned Judge has given following reasoning:-

- (i) The shoulder injury is not of such a nature which will prevent

him from moving from one place to another. The medical papers annexed to this petition, no doubt mentions about shoulder injury but concerned Doctor has never mentioned that he is not in a position to move or there are some difficulties for him to travel from Mumbai to Ichalkaranji.

(ii) Learned Judge has quoted technical reason.

(iii) For recording the evidence through VC in civil litigation, learned Judge is doubtful.

3. It is true that this Court on administrative side has framed the High Court of Bombay Rules for Video Conferencing for Courts 2022. In fact learned Judge ought to be aware about these rules. The reasoning that it is not applicable to Civil proceeding is erroneous.

4. It is true that in rural areas there are difficulty about electricity and internet connection. For understanding what is status prevailing in Ichalkaranji Court, the report can be called. Because there are two aspects:-

(i) Technical difficulty and

(ii) Psychological fear

5. So let report be called from the Central Project Co-ordinator,

High Court about availability of the Video Conferencing facility at Ichalkaranji Court and availability of the electricity and internet connection at Ichalkaranji Court.

6. Matter be kept on **09.12.2024, first on board.**
7. Learned Advocate for the Respondent-Plaintiff assures to file vakalatnama earlier to the next date.
8. On the next date, the Court will decide this petition finally.

[S. M. MODAK, J.]