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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO(OS) 40/2024 & CM 19140/2024**

JANAK DATWANI

.....Appellant

Through: Mr Dhruv Gupta, Advocate.

versus

CNA EXPORTS PVT LTD & ORS.

.....Respondent

Through: Mr Vivek Sharma, Advocate for R-1.
Mr Bhushan Kapur, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

18.07.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

CAV 157/2024

1. Since the respondent is represented by counsel, the caveat stands discharged.

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2. This appeal is preferred against the order dated 14.03.2024 passed by the learned Single Judge.

3. *Via* the impugned order, the learned Single Judge has dismissed the application moved by the appellant/plaintiff seeking permission to lead evidence *via* video conferencing.

4. In the operative part, the learned Single Judge has made the following observations:

“5. The applicant/plaintiff got the permission to travel to abroad on 24.02.2024 and he took the flight on 07.03.2024 and if the applicant/plaintiff has the regard for recording of his evidence, he would have moved the application in the interregnum for recording of evidence.

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6. *Accordingly, at this stage, there is no merit in the present application, which is hereby dismissed.”*

5. Having regard to the observations made by the learned Single Judge, in our view, no interference is called for with the impugned judgment and order.

6. The learned Single Judge has not foreclosed, as contended by the learned counsel for the appellant/plaintiff, the right of the appellant/plaintiff to lead evidence *via* video conferencing.

7. We may note that this Court has framed and notified rules for conducting proceedings and recording evidence *via* video conferencing, i.e., the ‘High Court of Delhi Rules for Video Conferencing for Courts 2021’.

8. If and when an application is moved, the concerned Judge will have regard to the rules and the facts and circumstances of the case to determine whether or not such permission ought to be granted.

9. The appeal is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

AMIT BANSAL, J

JULY 18, 2024

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Click here to check corrigendum, if any