

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1369 OF 2025

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Gaurie Suresh Rana
Nee Veena Sivamani Sivaskandan and Others ...Petitioners

vs.

Somnath (Sam) Sivamani Sivaskandan
and Others ...Respondents

Mr. Siddharth Joshi a/w. Mr. Chaitanya Patel, for the Petitioners.
Mr. Ashok Pande i/b. Mr. Nitin Rakshe, for the Respondents.

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 24, 2025

P.C:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order dated 20th January, 2025 passed by the learned Judge, City Civil Court, Dindoshi, Mumbai on Misc. Application (Exh. 34) whereby the learned Judge has permitted recording of evidence of the plaintiff through video conferencing.
3. The learned counsel for the petitioners submitted that the application for recording evidence of the plaintiffs through video conferencing lacks proper justification. Thus, the learned Judge could not have allowed the application. In any event, the learned Judge, despite having noted the provisions contained in High Court of Bombay Rules For Video Conferencing For Courts, 2022 (the

Rules, 2022) has not adhered to the said Rules, in the matter of defining the modalities of recording the evidence through video conferencing. Attention of the Court was invited to the provisions contained in Rules 5 and 8 of the Rules, 2020. Emphasis was laid on the fact that no safeguards have been provided for appointing a coordinator at the remote point as provided in Rule 5.3.1.

4. In the impugned order, the learned Judge, City Civil Court has ordered that the plaintiff should make sure that no one should remain present where the plaintiff would be sitting for cross examination. Apart from the said direction, there is no measure to safeguard the sanctity of the process of recording of the cross examination.

5. The learned counsel for the respondents submitted that in view of the difference in time zone in U.S.A and India, it would not be possible to appoint a coordinator at the remote point.

6. Indeed in paragraph No. 9 of the impugned order, the learned Judge, City Civil Court has adverted to the said fact. However, the learned Judge, City Civil Court could have provided safeguards to ensure the sanctity of the process of recording of the evidence through video conferencing. A mere direction that the plaintiff should make sure that no one should remain present in the room may not be adequate.

7. In these circumstances, the petition stands allowed to the limited extent of directing the learned Judge, City Civil Court, Dindoshi to provide proper safeguards for recording the evidence of the plaintiff through video conferencing.

8. The learned Judge shall have due regard to High Court Bombay Rules for Video Conferencing for Courts, 2022. However, having regard to the exigency of the situation and the peculiar facts of the case, the learned Judge, City Civil Court, is at liberty to modify the conditions which are required to be imposed.

9. The Court is informed that the matter is listed before the City Civil Court tomorrow.

10. The parties shall appear before the learned Judge, City Civil Court, Dindoshi on 25th February, 2025.

Petition disposed.

(N. J. JAMADAR, J.)