

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11398 OF 2025

Dayanand Nilkanth Naik

...Petitioner

Versus

Smt. Indira Radhakrishnan Nair & Anr.

...Respondents

Mr. Rajesh L. Dharap, Advocate for Petitioner.

CORAM: MADHAV J. JAMDAR, J.

DATED : 15th September 2025

P.C.:

1. Heard Mr. Dharap, learned Counsel appearing for the Petitioner.

2. The challenge in this Writ Petition filed under Article 227 of the Constitution of India is to the Order dated 4th August 2025 passed by the learned Judge, Small Causes Court, Mumbai below Exhibit-137 in R.A.E. Suit No.1350 of 2014. The said Application bearing Exhibit-137 has been filed by the Petitioner i.e. the Defendant No.1 under Section 151 of Code of Civil Procedure, 1908 seeking directions to preserve Court Room CCTV footage of cross-examination conducted in the matter as prayed.

3. It is the contention of the Petitioner that the Petitioner's Advocate has conducted the cross-examination of the Plaintiff

land-lady on 19th April 2024, 24th April 2025, 2nd May 2025, 18th June 2025, 27th June 2025, 4th July 2025, 8th July 2025 and 10th July 2025 and when he was conducting the cross-examination, the Plaintiff's Counsel has persistently objected to nearly every question and this has led to directly or indirectly, altering or guiding the witness as to what to deny or explain.

4. The said Application seeking prayer to preserve Court Room CCTV footage of cross-examination conducted on the above referred dates has been filed on 16th July 2025 i.e. after conducting of the extensive cross-examination on several dates. Thus the application has been filed after extensive cross-examination was completed.

5. The learned Trial Court while rejecting the Application has given following reasons:

(i) The cross-examination was conducted in the open Court on above dates and immediately after recording of each day's cross-examination is completed, a hard copy is taken and signed by the Court in the open Court and kept in the proceedings. Simultaneously, the soft copies are provided

to the Advocates of the parties in the Pen-drives provided by them.

(ii) The operation and management of CCTV cameras as installed in the Court Room comes directly under the supervisory jurisdiction of Head of the Institution and therefore no Order can be passed.

6. It appears that after the impugned Order has been passed by the learned Trial Court, the application dated 7th August 2025 with the learned Chief Judge, of the Small Causes Court at Mumbai was filed *inter alia* seeking direction of preservation of Court Room CCTV footage of cross-examination conducted in R.A.E Suit No. 1350 of 2014, in view of the judicial Order passed the impugned Order dated 4th August 2025.

7. It is significant to note that the Court Manager of Small Causes Court by reply dated 14th August 2025 has replied to said Application dated 7th August 2025 stating that after completion of work of installation of CCTV cameras, the same would be handed over to the Court and that as the work is not completed, the CCTV cameras have not started functioning.

8. Mr. Dharap, learned Counsel is relying on the High Court Rules, which provides for preservation of the CCTV footage. However, as the letter dated 14th August 2025, of the Court Manager of Small Causes Court clearly mentions that although work of installation of CCTV cameras is going on, the same is not completed and yet said system has not been handed over to the Court. Thus as the C.C.T.V. cameras have not started functioning, there is no question of preservation of C.C.T.V. footage.

9. Thus, no interference in the impugned Order under the jurisdiction of this Court under Article 227 of the Constitution of India is warranted.

10. The Writ Petition is dismissed, however, with no Order as to costs.

(MADHAV J. JAMDAR, J.)

BHALCHANDRA
GOPAL DUSANE

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