



2025:DHC:10721



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

% *Date of decision: November 27, 2025*

+ **CM(M) 4030/2024 & CM APPLs. 71580/2024, 25032/2025 and 49153/2025**

TEJINDER SINGH

.....Petitioner

Through: Mr. Simarpal Singh Sawhney, Ms. Bijaharini G. and Mr. Jaisal Baath, Advocates.

Versus

BEVERLEY SINGH

.....Respondent

Through: Mr. Prosenjeet Banerjee, Ms. Mansi Sharma, Mr. Rehan Verma and Ms. Anshika Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (ORAL)

1. *De hors* the outcome of the present petition, considering the hard work, efforts and labour put in by Dr. Minakshi Dhar, Prof. & Head, Geriatric Medicine, Dr. Rohit Dhingra, Addl. Prof., Orthopaedics and Dr. Ankur Mittal, Addl., Prof. & Head, Urology, learned counsel for the petitioner submits that the petitioner wishes to contribute a paltry sum of Rs.55,000/- towards domestic donation to All India Institute of Medical Sciences (*AIIMS*), Rishikesh by donating it within *two weeks* in the bank account of *AIIMS*, Rishikesh, the details whereof are as under:-

Account No.6189000100021125

IFSC PUNB0618900

Punjab National Bank, Rishikesh

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2. Initially an appeal was filed by the petitioner herein assailing the order dated 02.12.2024 (*impugned order*) passed by the learned Family Judge, Family Court, Patiala House Courts (*learned Family Court*) in HAMA No. 2/23 entitled '*Beverley Singh vs. Tejinder Singh*', however, by virtue of the order dated 06.12.2024 passed by the Division Bench of this Court, the said appeal was directed to be treated as a petition under *Article 227* of the Constitution of India.

3. The petitioner, *vide* the present petition seeks to challenge the said impugned order, whereby the learned Family Court dismissed the application of the petitioner under *Section 75* read with *Order XXVI Rule 4* of the Code of Civil Procedure, 1908 (*CPC*) seeking appointment of a Local Commissioner for facilitating cross-examination of the petitioner at Shimla.

4. It is, primarily, the case of the petitioner that he being an 81-year-old man in frail health, has undergone six major surgeries between 2018 and 2020, and due to which, he now requires a surgically created pathway for urination. As such, he is dependent on an adult diaper, and requires assistance every 60-75 minutes. Learned counsel for the petitioner contends that the petitioner also suffers from acute diabetes, chronic hypertension, and Ischial Bursitis. As per the learned counsel, these limit his ability to sit or travel for long periods. Thus, in light of his prevailing serious health conditions, it is impossible for the petitioner to travel to New Delhi to effectively contest the litigation before the learned Family Court.



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5. Relying upon *Sumana Puruchuri vs. Jakka Vinod Kumar Reddy & Ors.* 2024 (3) ALD 873, *Seelam Prameela vs. Ganta Mani Kumar*, 2019 (204) AIC 499, *Athira Mohanan vs. Abhijit E.S.*, 2023/KER/23688, *Kishori Ravi Venkat Sai vs. Rajeev Kumar Dubey*, 2024: MPHC-IND:13891, *Rucha vs. Kusha Dewoo Manjrekar*, (2024) 260 AIC 893, *Prakash Agarwal vs. The State of Madhya Pradesh & Ors.*, decided by the High Court of Madhya Pradesh on 27.11.2024, OP FC No. 352 of 2020, *Shiju Joy A. vs. Nisha*, decided by the Kerala High Court on 23.03.2021 and *Philip 66 Company vs. Raaj Unocal Lubricants Limited*, 2024 SCC Online Del 1035, learned counsel for the petitioner contends that the Hon'ble Supreme Court including various High Courts have been allowing/ permitting the usage of video conferencing in matrimonial proceedings such as the present one thus, in view of the petitioner deteriorating health and the judgments cited above, the impugned order be set aside and the present petition may be allowed.

6. Learned counsel for the petitioner further submits that since the petitioner, who was earlier a resident of Shimla, had himself temporarily shifted to Dehradun and was living in an Assisted Living Facility, and he volunteered for appointment of a Medical Board as recorded in the order dated 29.05.2025, the evidence ought to be held *via* video conferencing.

7. *Per Contra*, learned counsel for the respondent, at the outset, drawing the attention of this Court to the prayers made by the petitioner in his application filed under *Section 75* read with *Order XXVI Rule 4* of the CPC before the learned Family Judge, submits that since the same was only *qua* “appropriate order(s) for the appointment of a local commissioner to record evidence of the Respondent-Mr. Tejinder Singh, at

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Shimla, Himachal Pradesh in the present case, in the alternative” and there was no assertion qua recording of the evidence through video conferencing, the aforesaid contentions raised by the learned counsel for the petitioner today are worthy of negation by this Court.

8. The learned counsel also submits that the observations made by the learned Family Court *qua* the overall facts involved, being the court of first inception, play a very vital role and have a bearing on the conduct of the petitioner. For this, the learned counsel has drawn the attention of this Court to the relevant paragraphs of the impugned order, which, for sake of convenience, are reproduced as under:-

“16. Admittedly, respondent has attended lunch party (which plaintiffs claim to be Golfing event) on 06.10.2024 (12-15 KM away from his residence) allegedly thrown to mark the death anniversary of his friend for 1-1.5 hours. He admittedly attended Bishop Cotton School’s 165th celebration for 30-45 minutes. Plaintiff played video of April 2024 claimed to have been recorded when pursuant to some order of the court plaintiff had visited the Knollswood Estate wherein respondent is visibly protesting on his own legs her arrival and his condition then as seen in the video cannot be said to be of a person who will not be able to come to the court. Besides, certain undisputed photographs of the lunch party of 06.10.2024 has also been placed on record which also does not support the claim of the respondent that he is unable to come to the court. Many other documents/photographs have been placed on record (by plaintiff) which shows his participation in social event/political event or socialization etc in last one year in and around Shimla.



17. *It is not his case that his health condition deteriorated very drastically in last 10 days or in last one month. Moreover, respondent remained connected through VC (seated at his place in Shimla) during the entire cross examination of the plaintiff and this Court itself seen him on computer screen. As is apparent from video and photographs coupled with his own admission that he is not bed/chair-bound, his condition is not such that he cannot come to the court. Little bit of difficulties is inevitable both with his age and unwillingness but not unsurmountable. Plaintiff also placed on record photocopy of bill of smart card of 29.11.2024 claiming that respondent went to the Mall Shimla and had Vodka etc. Ld. Counsel for the respondent disputed the same saying that Smart card has been stolen/taken away by the plaintiff herself and she has been using the same and showing it to have been used by the respondent. This Court is not relying upon this bill for any purpose as above already discussed circumstances/facts have convinced the Court that respondent can come to the court for his testimony. Law prefers to have the testimony recorded before trial court itself and only in exceptional circumstances prefers to get the same recorded on LC. As noted above, little bit of pain and difficulties (psychological or otherwise) are always associated to going to places (and invariably psychologically intensifies) where one does not want/willing to go.”*

9. Lastly, learned counsel for the respondent has also relied upon ***Santhini v. Vijaya Venketesh***, (2018) 1 SCC 1 wherein the Hon’ble Supreme Court has held that in a case where the wife does not give consent for video conferencing, it would be contrary to *Section 11* of the Family Courts Act, 1984. Furthermore, that the procedure of video conferencing which is to be adopted when one party gives consent is



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contrary to *Section 11* of the Family Courts Act, 1984 as there is no provision that the matter can be dealt with by the learned Family Court Judge by taking recourse to video conferencing.

10. Heard learned counsel for the parties at considerable length, as also carefully gone through the material available on record as also the judgments cited by them at the Bar.

11. A perusal of the record reveals that this Court, *vide* order dated 29.05.2025 requested the Medical Superintendent, All India Institute of Medical Sciences, Veerbhadra Road, Shivaji Nagar, Rishkesh, Uttarakhand to medically examine the petitioner and send a report, specifically to the effect as to whether, despite all such alleged ailments, the petitioner is in a position to undertake a journey to Delhi as also is in a position to make deposition before the Court in Delhi.

12. Pursuant to the aforesaid order dated 29.05.2025, this Court has received a letter dated 03.06.2025 along with an Office Order dated 04.06.2025 as also the Minutes of Meeting recorded by the AIIMS, Rishikesh on 10.06.2025. The same being relevant are reproduced herein as under:-

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अखिल भारतीय आयुर्विज्ञान संस्थान, ऋषिकेश

All India Institute of Medical Sciences, Rishikesh-249203

चिकित्सा अधीक्षक / Medical superintendent

Email: ms@aiimsrishikesh.edu.in

Telephone: 0135 2462928

#AIIMSRISH/MS/110/04 June, 2025

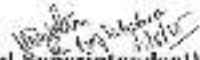
Office Order

In compliance of the interim order dated 29.05.2025 passed by the Hon'ble High Court of Delhi at New Delhi in the case number CM (M) 4030 of 2024 and CM Application 71580 of 2024 and CM Application 25032 of 2025 as well as representation dated 03.06.2025, a committee comprising of following members is hereby constituted for medical examination of Mr. Tejinder Singh (75 Years, Male) and preparing Medical Report as desired by Hon'ble High Court:

- | | | | |
|-------|--|---|----------|
| (i) | Dr. Minkshi Dhar, Prof. & Head, Geriatric Medicine | - | Chairman |
| (ii) | Dr. Mohit Dhinagar, Addl. Prof., Orthopaedics | - | Member |
| (iii) | Dr. Ankur Mittal, Addl. Prof. & Head, Urology | - | Member |

The committee shall medically examine Mr. Tejinder Singh on 06.06.2025, and submit the medical examination report as desired by Hon'ble High Court to the office undersigned by 06.06.2025.

This issues with approval of Competent Authority, AIIMS Rishikesh.


(Medical Superintendent)
AIIMS, Rishikesh

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x

x

x

To,
The Medical Superintendent,
All India Institute of Medical Sciences (AIIMS),
Veerbhadrar Road, Shivaji Nagar,
Rishikesh, Uttarakhand – 249203

Subject: Pertaining to compliance of the interim order dated 29th May 2025 passed by the Hon'ble High Court of Delhi at New Delhi in the case number CM (M) 4030 of 2024 and CM APPLICATION 71580 of 2024 and CM APPLICATION 25032 of 2025.

Respected Sir,

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Signature Not Verified

Digitally Signed
By: BABLOO SHAH
Signing Date: 01.12.2025
18:36:23



1. As you may be aware, the Hon'ble High Court of Delhi has passed the following interim order dated 29.05.2025 in the matrimonial proceedings between Mr. Tejinder Singh ("Petitioner") and Ms. Beverley Singh, the relevant portions of the order has been extracted below:

“1. During course of the arguments, on account of poor health condition of the petitioner, it has been reiterated by the learned counsel for petitioner that the petitioner is unable to come to Delhi for deposition and seeks permission to permit him to depose through videoconferencing.

2. The reasons given in this regard are, summarized, as under: -

(i) He has undergone six surgeries.

(ii) He is a chronic patient of diabetes and hypertension.

(iii) He uses diaper because he cannot control his urine for more than 60- 75 minutes.

(iv) He could urinate only through an especially surgically constructed channel and requires assistance of a caregiver for relieving and cleaning.

(iv) He is suffering from Ischial Bursitis and, therefore, cannot, sit hours together and as such unable to perform long Journey.

3. Learned counsel for petitioner, during the course of arguments, apprised that petitioner continues to reside in Dehradun and would have no objection if his medical condition is got verified through any State Hospital, situated in Dehradun.



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3. Expert Opinion on Court Appearance:

No absolute medical contraindication to Mr. Singh's physical appearance in court. The patient can travel short distances and be physically present, given adequate planning and accommodations.

4. Recommendations for Court Appearance:

To support Mr. Singh's court attendance, the following measures are recommended:

Ensure availability of nearby restroom facilities.

Allow frequent restroom breaks.

Schedule proceedings during daytime.

Maintain a prompt and efficient court schedule to minimize stress and discomfort.

Conclusion:

The committee unanimously concluded that Mr. Tejinder Singh's current medical condition does not prevent his physical appearance in court. With appropriate logistical and environmental support, he can reasonably be expected to attend.

x

x

x

x

Date: 10.06.2025

Minutes of Meeting

A Meeting was held on 06.06.2025 in the MS Office under the chairmanship of Dr. Minakshi Dhar, Prof. & Head, Geriatric Medicine, regarding a medical committee which was constituted to review and provide an expert opinion



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regarding Mr. Tejinder Singh's (83 years- Male) medical condition and his capacity to physically appear in court.

Summary of Deliberations:

1. Medical Background Review:

The committee reviewed Mr. Tejinder Singh's comprehensive medical history. Key findings include:

Known case of Diabetes Mellitus and Hypertension, both well-controlled with medication.

History of multiple urological surgeries; currently voids via perineal urethrostomy without catheterization.

Reports urgency and urgency incontinence, primarily under psychological stress or in unfamiliar settings.

Diagnosed with ischial bursitis; symptomatic relief noted with physiotherapy.

2. Clinical Evaluation:

The committee considered findings from a Comprehensive Geriatric Assessment and clinical examination.

The patient is mildly frail but functionally independent.

Capable of self-care and routine travel, especially along familiar routes.

Exhibits manageable urinary symptoms, which are situational and not debilitating.

No ongoing pharmacological treatment for urinary issues.”

13. Further, it is not the case that the petitioner is immobile or incapable of moving. All that the petitioner needs is proper rest and care, which, can be accorded by the learned Family Court taking the same into consideration. In matters relating to the personal, medical health problems



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faced by the parties, of those kind involved in the present proceedings, it is best left to the judgmental discretion of the medical experts, and that is why the Medical Board was constituted *vide* order dated 29.05.2025 passed by this Court. A perusal thereof, especially the Minutes of the Meeting recorded by the Medical Board *qua* the petitioner, it is amply clear that the petitioner is mildly frail but is functionally independent, capable of self-care and can travel short distances, especially along familiar routes. Further that his current medical condition does not prevent his physical appearance in court, given adequate planning and accommodations.

14. The findings recorded by the learned Family Court in *paragraph nos. 16 and 17* of the impugned order, already reproduced hereinabove, are also very categorical. In view thereof and coupled with the aforesaid report of the Medical Board, the petitioner has hardly any chance of impressing upon this Court to seek setting aside of the impugned order dated 02.12.2024.

15. Lastly, since the relief sought by petitioner before the learned Family Court was only *qua* “*appropriate order(s) for the appointment of a local commissioner to record evidence of the Respondent-Mr. Tejinder Singh, at Shimla, Himachal Pradesh in the present case, in the alternative*” and before this Court also the relief sought is only *qua* “*i) Quash/ Set-Aside Impugned Order dated 02.12.2024 passed by the Ld. Family Judge, Family Court – PHC: New Delhi, in Hindu Adp. 2/23 in the matter titled as “Beverley Singh vs. Tejinder Singh”. ii) Pass necessary order(s) allowing the application filed by the Appellant under Section 75 R/w Order XXVI Rule 4 of the Code of Civil Procedure, 1908 before the*



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Ld. Family Judge, PHC, New Delhi in Hindu Adp. 2/23 in the matter titled as “Beverley Singh vs. Tejinder Singh”, and no assertion whatsoever qua the recording of evidence through video conferencing was ever raised therein, thus, it is not upon the petitioner to take a different stance before this Court and seek a relief contrary to what was sought before the learned Family Court. There is no reason for this Court to entertain what has sought to be argued by learned counsel for the petitioner herein.

16. In light of the aforesaid stance, the judgments cited by the petitioner hereinabove, are not applicable to the facts and circumstances of the present case. Even otherwise, either the said judgments are pertaining to matters involving counselling, mediation, reconciliation, inordinate delays or intellectual property rights. As such, they are not applicable to the facts and circumstances involved herein.

17. In fact, the law laid down by the Hon’ble Supreme Court while dealing with the aspect of video conferencing in *Santhini (Supra)*, wherein it has held that in a case where the wife does not give consent for videoconferencing, it would be contrary to *Section 11* of the Family Courts Act, 1984. To say that if one party makes the request, the proceedings may be conducted by video conferencing mode would be contrary to the language employed under *Section 11* of the Family Courts Act, 1984. The relevant extract of the same is reproduced herein as under:-

“46. We, as advised at present, constrict our analysis to the provisions of the 1984 Act. First, as we notice, the expression of desire by the wife or the husband is whittled down and smothered if the Court directs that the proceedings shall be conducted through the use of videoconferencing. As is demonstrable from the analysis of para 14 of the decision



[Krishna Veni Nagam v. Harish Nagam, (2017) 4 SCC 150 : (2017) 2 SCC (Civ) 394] , the Court observed that wherever one or both the parties make a request for the use of videoconferencing, the proceedings may be conducted by way of videoconferencing obviating the need of the parties to appear in person. The cases where videoconferencing has been directed by this Court are distinguishable. They are either in criminal cases or where the Court found it necessary that the witness should be examined through videoconferencing. In a case where the wife does not give consent for videoconferencing, it would be contrary to Section 11 of the 1984 Act. To say that if one party makes the request, the proceedings may be conducted by videoconferencing mode or system would be contrary to the language employed under Section 11 of the 1984 Act. The said provision, as is evincible to us, is in consonance with the constitutional provision which confer affirmative rights on women that cannot be negated by the Court. The Family Court also has the jurisdiction to direct that the proceedings shall be held in camera if it so desires and, needless to say, the desire has to be expressed keeping in view the provisions of the 1984 Act.

x x x x

51. The procedure of videoconferencing which is to be adopted when one party gives consent is contrary to Section 11 of the 1984 Act. There is no provision that the matter can be dealt with by the Family Court Judge by taking recourse to videoconferencing. When a matter is not transferred and settlement proceedings take place which is in the nature of reconciliation, it will be well-nigh impossible to bridge the gap. What one party can communicate with other, if they are left alone for some time, is not possible in videoconferencing and if possible, it is very doubtful whether the emotional bond



can be established in a virtual meeting during videoconferencing. Videoconferencing may create a dent in the process of settlement.

52. *The two-Judge Bench [Krishna Veni Nagam v. Harish Nagam, (2017) 4 SCC 150 : (2017) 2 SCC (Civ) 394] had referred to the decisions where the affirmative rights meant for women have been highlighted in various judgments. We have adverted to some of them to show the dignity of woman and her rights and the sanctity of her choice. **When most of the time, a case is filed for transfer relating to matrimonial disputes governed by the 1984 Act, the statutory right of a woman cannot be nullified by taking route to technological advancement and destroying her right under a law, more so, when it relates to family matters. In our considered opinion, dignity of women is sustained and put on a higher pedestal if her choice is respected. That will be in consonance with Article 15(3) of the Constitution.***

x x x x

54. *The principle of exception that the larger Bench enunciated is founded on the centripodal necessity of doing justice to the cause and not to defeat it. In matrimonial disputes that are covered under Section 7 of the 1984 Act where the Family Court exercises its jurisdiction, there is a statutory protection to both the parties and conferment of power on the court with a duty to persuade the parties to reconcile. **If the proceedings are directed to be conducted through videoconferencing, the command of the section as well as the spirit of the 1984 Act will be in peril and further the cause of justice would be defeated.***

x x x x

58. *In view of the aforesaid analysis, we sum up our conclusion as follows:*



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58.1. In view of the scheme of the 1984 Act and in particular Section 11, the hearing of matrimonial disputes may have to be conducted in camera.

58.2. After the settlement fails and when a joint application is filed or both the parties file their respective consent memorandum for hearing of the case through videoconferencing before the Family Court concerned, it may exercise the discretion to allow the said prayer.

58.3. After the settlement fails, if the Family Court feels it appropriate having regard to the facts and circumstances of the case that videoconferencing will subserve the cause of justice, it may so direct... ..”

[Emphasis supplied]

18. Even otherwise, learned counsel for the respondent, on query, submits that she is not willing to take the route of video conferencing for recording of evidence of the petitioner.

19. In view of the aforesaid discussion and observations, the present petition along with pending applications, stands dismissed and the impugned order is upheld.

SAURABH BANERJEE, J

NOVEMBER 27, 2025/NA/Deepak