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A.Nos.5263 & 5264 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

A Nos. 5263 & 5264 of 2025

in

C.S. NO. 638 of 2013

Ravindran Selvaraj Samuel
S/o.Thomas Samuel
704-25, Baymills Boulevard
Scarborough, Ontario M1t 3p4
Canada
Now At No.13, Ponnai Lane,
Purasawalakam, Chennai 7

..Applicant(s) in both

Vs

1. Savithiri
No.65/1, Chellappa Mudali St
Kosapet, Chennai 12
2. Gilbert Sunderraj Samuel
Joy Cottage 340, 2nd Cross,
Thimya Gowda Layout,
Kothanor Post,
Bangalore 560 077
3. Thomas Manoj Samuel
Gurukul Campus,
94, Purasawalkam High Road,
Kilpauk, Chennai 10
4. Walter Rajeev Samuel
No.4, Ashiravada Nilaya,
7th Main, 2nd Block,
Sri. M.V.Nagar,
Ramamurthy Nagar,



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Bangalore 560 016

5. Daniel Praveen
Corner Stone Residence
Plot No.5b, Sri Raman Nagar
Vignaragapuram, Vengai Vaasal,
Chennai 73
6. Stephen
M/s. Seaman Graphics
Front Portion Of Ground Floor Of The Plaint
Schedule Building
No.65/2, Chellappa Mudali St
Chennai 12
7. Mr.Raj Of Christian
Organisation Restoration
Occupying The Rear Portion Of The Ground
Floor Of The Plaint Shcudle
Building No.65/2, Chellappa Mudali St
Chennai 12
8. Balaji Of Welding Unit
Asbestos Sheet Shed
South East Corner Of The Plaint Schedule
Building No.65/2, Chellappa Mudali St
Chennai 12
9. Mrs. Catherine Beulah Raj
W/o.A.A.Raj
Richy Dale Apartments,
No.131, Madhavaram High Road,
Perumbur, Chennai 11
- 10.Mrs. Annal Jayapriya Jayakar
No.8, Pandit Durai Devar St
No.4, Lig Nh, Maraimalai Nagar,
Kancheepuram Dt



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11. Mrs. Rajini Samuel
No.4, Ashiravada Nilaya
7th Main , 2nd Block,
Sri. M.V.Nagar, Ramamurthy Nagar,
Bangalore 560 016

..Respondent(s) in
A.No.5263 of 2025

1. Savithiri
No.65/1, Chellappa Mudali St
Kosapet, Chennai 12

2. Daniel Praveen
Corner Stone Residence
Plot No.5b, Sri Raman Nagar
Vignaragapuram, Vengai Vaasal,
Chennai 73

...Respondents in
A.No.5264 of 2025

COMMON PRAYER: To permit the recording of the evidence of the Applicant/Plaintiff as PW1 through Video Conference in C.S.No.638 of 2013 & T.O.S.No.13 of 2014, in view of the medical condition of the Applicant.

For Applicant(s): M/s.S.S. Rajesh
(in both) R.Nandhini (1959/2016)
P.K.Deepa Divyarthini (2318/2019)
M.Praveen (2111/2021)

For Respondent(s): Mr.R.Radhapandian for D4 & D11.
(in both) Mr.V.R.Thangavel for D1, D5, D7, D9 &
D10
Mr.K.Ramkumar for D6 & D8.
Mr.K.Sankaran for D2 & D3.



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ORDER

These applications have been filed to permit the recording of the evidence of the applicant/plaintiff as P.W.1 in C.S.No.638 of 2013 & T.O.S.No.13 of 2014 through video conferencing.

2. The affidavits filed in support of the applications state that the applicant is residing in Ontario, Canada; that he had earlier travelled to India on a visitor's visa for the purpose of appearance and cross-examination; that after the expiry of the visa he returned to Canada; that he has suffered serious health issues culminating in gall bladder stones; that he has undergone gall bladder surgery; and that, in view of his post-operative condition and medical advice, he is unable to undertake international travel and physically appear before this Court. The affidavits further state that no prejudice would be caused to the respondents if his cross-examination is recorded through video conference.

3. However, Rule 4(2) of the Madras High Court Video Conferencing in Courts Rules, 2020 requires that an application for video conferencing shall be supported by an affidavit evidencing the justifiable circumstances and all relevant particulars of the proposed Remote Site. Further, Practice Direction 6.3 provides



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that in civil cases, the parties requesting recording of statements by video conferencing shall confirm to the Court the location of the person, the willingness of such person to be examined through video conferencing, and the availability of technical facilities for video conferencing at the agreed time and place.

4. In the present case, while the affidavits refer to the applicant's medical condition and inability to travel, they do not set out the relevant particulars of the proposed remote site in the manner required by the Rules. The affidavits do not clearly specify the precise remote venue from which the applicant proposes to depose, the agreed time and place for such examination, the technical facilities available there, or the manner in which the proposed remote site satisfies the requirements of the Rules and the Practice Directions. The affidavits are therefore not in compliance with Rule 4(2) of the Rules read with Practice Direction 6.3.

5. It is true that a subsequent memo has been filed stating that Ms. Sridevi K.V., formerly an advocate enrolled with the Tamil Nadu Bar Council and now residing in Ontario, Canada, has expressed willingness to act as coordinator for recording the evidence of the plaintiff through video conferencing.



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6. But that memo does not cure the foundational defect in the supporting affidavits. The statutory requirement is that the application itself be supported by a compliant affidavit containing the relevant particulars of the proposed remote site. Such foundational particulars cannot be left to be supplied later by way of a memo or by oral submission across the Bar. In matters of this nature, the Court is required to assess the request on the basis of the affidavit and the governing Rules, irrespective of whether the opposite party chooses to file a counter affidavit or merely states an objection orally. The question is one of compliance with the Court's procedural framework and of the Court's own satisfaction in regulating the mode of recording evidence.

7. Even otherwise, the memo is not shown to be in conformity with the Practice Directions. Practice Direction 3.3.1 contemplates that where the remote site is overseas, the remote-site coordinator shall preferably be an official of the relevant Indian Consulate, Embassy or High Commission. Though Practice Direction 3.4 reserves to the Court a discretion, for reasons to be recorded, to appoint another fit and proper person, the memo does not furnish adequate material for such departure. Further, if the proposed arrangement is one falling under Practice Direction 3.3.10, such as an advocate's office or any other private



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location, Practice Direction 4.2 specifically provides that the Court Site Coordinator shall ensure compliance with all technical requirements at both the Court Site and Remote Site. The memo does not satisfactorily address these requirements either.

8. In the circumstances, this Court finds that these applications are liable to be dismissed on account of non-compliance with the Madras High Court Video Conferencing Rules, 2020. However, the petitioner is at liberty to file a fresh application, if so advised, upon strict compliance with the requirements of the said Rules.

9. Accordingly, these applications are dismissed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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DR.A.D.MARIA CLETE, J.

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in
C.S. NO. 638 of 2013**

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