UKHC010192692026
2026:UHC:9970

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 3331 of 2026 (M/S)

Vineeta Gupta .....Petitioner

Versus

Nitin Jain and Another .....Respondents

Present:-
Mr. Siddharth Bankoti, Advocate for the applicant.

Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this petition is made to the following:-

(i) Issue an order, direction or writ in the nature of issuance of writ in the Family Court, Haldwani, Nainital to permit the petitioner for recording her testimony through video conferencing, as per The High Court of Uttarakhand Electronic Communication and Audio-Video Electronic Means (Nyay Shruti) Rules, 2025 in Case no.05 of 2022, Nitin Jain vs. Surbhi Jain pending before the Court of Additional Principal Judge, Family Court, Haldwani, Nainital.

(ii) Issue any other appropriate order or direction as the Hon'ble Court thinks fit and proper.

(iii) Award the cost to the petitioner.

2. Heard learned counsel for the petitioner and perused the record.

3. It is the case of the petitioner that in Case no.05 of 2022, Nitin Jain vs. Surbhi Jain, ("the case") under Section 10 and 25 of the Guardians and Wards Act, 1890, pending in the court of Additional Principal Judge, Family Court, Haldwani, Nainital, she has been summoned as a witness; she is an old aged woman; she has moved an application on 22.09.2026 permitting her to appear through video conferencing, as per the High Court of Uttarakhand Electronic Communication and Audio-Video Electronic Means (Nyay Shruti) Rules, 2025 ("the 2025 Rules"), but it is the grievance of the petitioner

that her application filed under the 2025 Rules has not been considered at all, and bailable warrants have been issued against her.

4. Learned counsel for the petitioner submits that the 2025 Rules have been made for smooth conduction of the judicial proceedings and a required person under the 2025 Rules may be examined through video conferencing; Rule 2(n) of the 2025 Rules defines required person as a person, who is to be examined as a witness, etc.

5. It is argued that the application that has been filed by the petitioner has yet not been decided. He has referred to the application that has been filed in the case by the petitioner, which is Annexure No.5 to the writ petition, and has referred to the order sheet of the case dated 22.09.2026, which did not find mention of the application that has been filed by the petitioner.

6. The 2025 Rules are, in fact, for smooth conduct of the judicial proceedings. It permits examination of certain persons through video conferencing. The petitioner claims that she has filed an application under the 2025 Rules so as to permit her to attend the court proceedings through video conferencing and accordingly her examination may be done. This application has not been decided.

7. The writ petition is disposed of with the request to the Additional Principal Judge, Family Court, Haldwani, Nainital to decide the application that has been filed by the petitioner under the 2025 Rules at the earliest.

8. Since the petitioner has already filed an application under the 2025 Rules for appearance before the court, bailable warrants issued against her are cancelled.

9. Let a copy of this order be immediately sent to the court concerned

(Ravindra Maithani, J)
31.10.2026

Ravi Bisht