

12 CS DJ ADJ 451/17 HARBHAJAN KAUR VS. AMARDEEP KAUR AND
ORS

29.11.2024

Present: Sh. Sanjeev Kaushik, Ld. Counsel for plaintiff.
Ms. Vandana S. Bhandari and Ms. Aruna Singh, Ld.
Counsels for defendants along with defendant no. 1.

1. PW5 and PW6 are present, examined, cross-examined and discharged. PW6 is on wheel-chair and accompanied by his son. Diet money paid to both witnesses.

2. At this stage, Ld. Counsel for plaintiff press upon his application for recording of evidence of plaintiff through Video Conferencing (VC) through Local Commissioner (LC). Not opposed.

3. Submissions heard. Record perused.

4. Accordingly, Sh. Ritul Tandon, Enrl. No. D/933/2016, Chamber No. 233, Block D, Additional Building Complex, Supreme Court of India, New Delhi (who is present in Court in some other matter), is appointed as Local Commissioner for the purpose of recording of evidence at the cost of plaintiff with following directions:-

- a) The evidence of Sh. Dalbir Singh Sidhu shall be recorded as PW7 through VC;
- b) The Local Commissioner shall carry out the recording of the evidence through VC within the Hon'ble High Court of Delhi precincts, as per

the High Court of Delhi Rules for Video Conferencing for Courts 2021 (“the Rules”);

- c) In case of requirement for the court file, Ahlmad shall make arrangements to bring the court file for recording of evidence before LC as informed by plaintiff. Diet money for concerned staff shall be borne by the plaintiff;
- d) In case any adjournment is taken by one of the parties, the said party shall bear cost of the said adjournment. The Local Commissioner shall decide whether the adjournment is on account of the party/parties;
- e) Evidence shall be recorded before concerned official on an Indian Consulate/the relevant Indian Embassy /the relevant High Commission of India located at Canada. Remote Point Coordinator could be any person, who is ready and willing to render services as a Coordinator to ensure that proceedings are conducted in fair, impartial and independent manner;
- f) The Remote Point Coordinator shall ensure that no person is present in the room where the witness is being examined, except the witness, the Coordinator and the necessary technical staff of the Coordinator, in terms of Rule 8.11 of the Rules;
- g) The concerned official-in-charge of VC Room of the Delhi High Court shall ensure that an audio visual recording of the examination of the witness is carried out and preserved as per Rule 8.9 of the Rules. For this purpose, assistance of the Computer Branch may be availed, if necessary;
- h) The Local Commissioner shall be at liberty to record the demeanour of PW7 during his cross-examination in accordance with Rule 8.6 of the Rules;

- i) The cross-examination of PW7 shall be concluded in single sitting through VC;
- j) In case, there are any expenses incurred in making arrangements for the VC at the place where the PW7 is sitting, the same shall be borne by the plaintiff himself;
- k) The Remote Point Coordinator shall join the proceedings for examination through Cisco Webex software application through URL/link to be shared half an hour before starting of the evidence;
- l) The fees of Ld. LC is fixed as Rs.12,000/- to be borne by the plaintiff.

5. Counsels for the parties shall appear before the learned Local Commissioner on 21.12.2024, at 02:00 PM, for fixing the date for recording of evidence. **Application stands disposed off accordingly.**

6. After completion of evidence of PW7, list before this court **16.01.2025.**

7. A copy of this order is given to all parties as well as to the learned Local Commissioner.

(SHILPI M JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 29.11.2024 (sr)