

04-08-2025

**ORDER ON MEMO DATED 03-06-  
2025**

The counsel for the 1<sup>st</sup> respondent files memo seeking permission of this court to record the evidence of 1<sup>st</sup> respondent at her residence in Mumbai.

Counsel for the petitioner objects that it is difficult and incontinent and impossible for the advocate to go to Mumbai for the purpose of cross-examination on account of personal problems. Thus prays to make necessary

arrangement for cross-examination through video conference.

Heard from the counsel for the petitioners and respondent No.1.

As per the order of this court, the 1<sup>st</sup> respondent was permitted to be examined through the court commissioner, as she was unable to appear before this court. The medical certificate is also produced, where the concerned medical officer has issued the certificate that the 1<sup>st</sup> respondent is nearly 80 years old and is under treatment for hypertension, urinary tract infection, osteoarthritis of knee and her movements are restricted. It is also further certified that she is not fit to travel long distance due to her illness.

As per the order of this court dated 25-06-2024, the 1<sup>st</sup> respondent is permitted to examine through the court commissioner. But however the counsel for the respondent objects that they cannot travel such a long distance to Mumbai and thus prays to permit them to cross-examine 1<sup>st</sup> respondent through video conference, which may be permitted by this court. When the 1<sup>st</sup> respondent is unable to travel, this court has to adopt the other modes of technology, which enables the party to save the time and expense. When the law permits that the cross-examination can be conducted through video conference, the petitioner can be permitted to cross-examine the 1<sup>st</sup> respondent through Video conference. However the 1<sup>st</sup> respondent is directed to

provide the entire documents before this court.

Hence the following:-

**ORDER**

The chief examination of the 1<sup>st</sup> respondent can be conducted through court commissioner.

The petitioners are permitted to cross-examine the 1<sup>st</sup> respondent through video conference by following the conditions prescribed under the Video Conferencing Rules.

The 1<sup>st</sup> respondent is directed to provide the entire documents before this court.

**(SHARMILA C.S.)**  
Senior Civil Judge & ACJM, Karkala