

EJECTMENT SUIT NO. 202 OF 2007  
Before Smt. Leena Sharma, Ld. Judge, 5<sup>th</sup> Bench.

ORDER NO. 99 DATED 12.01.2021

Today is fixed for service of copy and hearing.

Both sides file respective hazira.

W/O filed by the defendant against the petition under Sec.151 of C.P.C. filed by the plaintiff.

Ld. Advocate for the plaintiff has submitted that the plaintiff is not willing to proceed with the petition dated 18.02.2020 at this stage and he prayed for not pressing the said petition.

Heard. Considered.

Ld. Advocate for the plaintiff is allowed to not press the petition dated 18.02.2020 filed by the plaintiff.

The petition dated 18.02.2020 is accordingly not pressed by the ld. Advocate for the plaintiff and hence the petition is rejected.

Now, the record is taken up for hearing of the petition dated 17.12.2020 filed by the plaintiff.

Ld. Advocate for the plaintiff, through the petition dated 17.12.2020, has submitted that evidence of P.W.1 and P.W.2 has been completed and at present, one Mr. Monojit Dey, Engineer Commissioner is required to be examined who has completed inspection in this case. That Mr. Monojit Dey, due to his old age, has not been keeping well. That on 06.03.2020, petitioner filed an application for the purpose of recording evidence of Mr. Monojit Dey on commission. That due to ongoing Covid 19 Pandemic, Mr. Monojit Dey, aged 78 years, may be allowed to lead evidence by way of video conference. So, he prayed for allowing him to lead the evidence of Mr. Monojit Dey by video conference.

Ld. Advocate for the defendant has raised objection through his written objection against the instant petition and submitted that the evidence of Mr. Monojit Dey cannot be led by video conference. Ld. Advocate for the defendant has also submitted that it will not be proper if the evidence of the Engineer Commissioner be taken through video conferencing. However, he has no objection if his evidence be taken on commission. He prayed for dismissal of the instant application for leading evidence through video conferencing.

It is to be noted here that during the present situation of Covid 19 pandemic, leading evidence through video conferencing should be encouraged.

However, in the present case, ld. Advocate for the defendant has objection regarding leading evidence of Mr. Monojit Dey through video conferencing.

Considering the submissions of both sides and the record and above discussion, the Court is not inclined to allow the petition dated 17.12.2020. Accordingly, the petition dated 17.12.2020 filed by the plaintiff is hereby considered and rejected.

Fix 16.03.2021 for evidence of P.W.3.

Dictated and corrected by me,

JUDGE

JUDGE  
[5th Bench]