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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TEST.CAS. 58/2019 & I.A. 17803/2023**

VARUN KHULLAR

..... Petitioner

Through: Mr. Jaspreet Singh Rai & Mr.
Swetabh Kumar, Advocates.

versus

STATE AND ORS.

..... Respondents

Through: Mr. Vignesh Raj, Advocate for R-3 &
4.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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29.02.2024

I.A. 857/2024 (u/Ch.III of High Court of Delhi Rules for Video Conferencing for Courts, 2021 r/w Section 151 of CPC, 1908)

1. By way of present application, the applicant/respondent No. 3 seeks permission to lead evidence and to be examined through video conferencing.
2. It is submitted in the application that the applicant/respondent No. 3 is a sixty year old man and is residing in Pennsylvania, U.S.A. and he is also a citizen of U.S.A.
3. It is further submitted that the applicant/respondent No. 3, being based in U.S.A., he would have to bear significant expenses to travel to India solely for the purpose of recording of evidence. Moreover, the applicant/respondent No. 3 suffers from medical complication and is unable to travel to India.
4. Therefore, the prayer is made that the evidence of the applicant/respondent No. 3 be permitted to be recorded through video



conferencing.

5. Learned counsel for the non-applicant/petitioner himself appearing through video conferencing, has an objection to the recording of the evidence of witness through video conferencing on the ground that there is no medical document filed in support of the averments made in the present application.

6. It is further submitted by the learned counsel for the non-applicant/petitioner that he wants to confront the witness with certain documents which cannot be done through video conferencing.

7. Also, it is submitted that this is nothing, but a delay tactic and also that by permitting the recording of the evidence through video conferencing, the Court shall not be able to observe the demeanour of the witness.

8. **Submissions heard.**

9. The High Court of Delhi Rules for Video Conferencing for Courts, 2021 have been enacted essentially to facilitate the recording of the evidence through video conferencing in order to cut short the expenses and also to expedite the process of recording of evidence.

10. Considering that the applicant/respondent No. 3 is based in U.S.A. and there is a facility of recording of evidence through video conferencing, the present application is allowed in terms of the following conditions: -

- (i) The applicant/respondent No. 3 shall remain present in the Embassy of India, Washington D C, U.S.A. on the date mutually coordinated by the parties.
- (ii) The notice shall be given to all the parties at least seven days prior to the recording of evidence.
- (iii) The In-charge, Video Conferencing, Delhi High Court be also



informed with the request for recording of evidence of the testimony of applicant/respondent No. 3. Learned Joint Registrar is requested to make all the arrangement for recording of evidence of applicant/respondent No. 3 through video conferencing.

11. Accordingly, the present application is disposed of.

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12. List before the Joint Registrar for recording of evidence on 07.03.2024, the date already fixed.

NEENA BANSAL KRISHNA, J

FEBRUARY 29, 2024

S.Sharma