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

+ **CS(OS) 1155/2015**

SURINDERJEET SINGH AHLUWALIA & ANR..... Plaintiff

Through: **Mr.Nitish Chaudhary Advocate**

versus

JITENDARJIT SINGH AHLUWALIA & ANR Defendant

Through: **Mr. Anil Sharma & Ms Chandani
Anand Advocates**

CORAM:

**SH. PANKAJ GUPTA (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

% **08.09.2017**

The application of the plaintiff no.1 bearing IA No.1484/2017 has been allowed vide order dated 19.07.2017 by the Hon'ble Court. Vide said order, the Hon'ble Court has directed this court (Joint Registrar) to record the evidence of plaintiff witness no.1 (Mr. Surinderjeet Singh Ahluwalia) by way of video conferencing and has granted power to this court (Joint Registrar) to pass directions in order to effectuate the orders of the Hon'ble Court keeping in view the rules framed by Hon'ble High Court for recording of evidence. In view thereof, the plaintiff witness no.1 be examined through video conferencing on the following conditions :-

1. Evidence of the plaintiff witness no.1 shall be recorded through video



conferencing between Delhi, India and Netherlands.

2. In Delhi, the video conferencing shall be conducted in the facilities available in the Annexe Block of the Delhi High Court.
3. The Registrar (Computers) of this court is appointed as the coordinator with regard to the technical aspects of video conferencing in the Embassy of India, Netherlands.
4. The Embassy of India at Netherlands shall nominate a senior officer not below the rank of Deputy Secretary of India to facilitate video conferencing. The officer nominated by the Embassy of India shall coordinate the video conferencing arrangements in Netherlands and shall remain present at the time of recording of evidence of the plaintiff witness no.1.
5. The officer nominated by the Embassy of India in terms of the direction at serial No.4 above shall ensure that apart from his own presence, only counsel for the plaintiff is present at the time of video conferencing. He shall ensure that no manner of prompting by word or signs or by any other mode is committed.
6. The officer nominated by the Embassy of India shall verify the identity of the witness before commencement of his examination.



7. As soon as identification part is complete oath will be administered by this court (Joint Registrar) through the media as per Oaths Act, 1969.
8. The witness shall be examined during working hours of Indian Courts. The plea of any inconvenience on account of time difference between India Netherlands shall not be allowed. However, the convenience of the Embassy of India in Netherlands shall be taken into consideration in fixing the time and schedule.
9. The cross examination, as far as practicable, be proceeded without any interruption and without granting unnecessary adjournments. However, discretion of the Court (Joint Registrar) shall be respected.
10. This Court (Joint Registrar) may record any material remarks regarding the demur of the witness while on the screen and shall note the objections raised during recording of evidence.
11. The deposition of the witness shall be signed immediately in the presence of the nominated officer of the Embassy of India. The said officer shall certify/attest the signatures of the witness.
12. The audio and visual shall be recorded at both the ends and copies thereof shall be provided to the parties at the expense of the plaintiff.



13. The Embassy of India in Netherlands shall provide an official translator to facilitate the translation of questions from English language to Hindi language and answers from Hindi language to English language for the recording of evidence of witness in English language.
14. The plaintiff shall bear the cost/expenses of the video conferencing. The expenses for the video conferencing to be undertaken in Netherlands shall be informed to the plaintiff through counsel by the Embassy of India. However, in case of any difficulty, the same may be communicated to the Registrar (Computers) of this Court by e-mail, who shall communicate the same to the plaintiff's lawyer in India.
15. The officer of the Embassy of India to be nominated by the Embassy of India shall be paid a lump sum amount of Rs.50,000/- (rupees fifty thousand only) as honorarium.
16. The plaintiff shall deposit an amount of Rs. 10,000/- as cost of preparation of the certified copies with the Registry of this Court in the present case within two weeks from today. The Registry shall thereafter prepare certified copies of the entire record of the case,



which shall be sent in separate folders clearly marked as order sheet; pleadings; applications; plaintiff's document and defendant's documents. The same shall be forwarded to the office of The Embassy of India with the assistance of Ministry of External Affairs.

17. This record shall be made available to the officer nominated by the Embassy of India for the purpose of undertaking the video conferencing as it would be necessary for recording the statement and cross examination of the witness.

18. In case, the defendants are desirous of being physically present in Netherlands at the time of recording of the evidence, it shall be open for them to make arrangements on their own cost for appearance and their representation. The defendants shall ensure that prior intimation in this regard is filed in the Registry of this Court giving full particulars of the names of the persons as well as enclosing documents of authority in respect of the persons, who shall be representing them in the proceedings. The intimation in this regard as well as documents shall also be furnished to Embassy of India in Netherlands.

19. List for recording of evidence of the plaintiff witness no.1 through



video conference on 11.12.2017 at 02:00 pm (IST time).

Copy of this order be given dasti to the learned counsels for the parties.

Copy of this order be also sent to the Registrar (Computers) of this Court.

SH. PANKAJ GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)

SEPTEMBER 08, 2017
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