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

+ **CS(COMM) 1110/2018**

TABOOLA INDIA PRIVATE LIMITED Plaintiff
Through: Ms.Perna Sharma, Advocate

versus

ETERNO INFOTECH PVT. LIMITED Defendant
Through: Ms.Suveni Bhagat, Adv.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

% **ORDER**
26.02.2020

1. By an order dated 19.09.2019, passed in I.A.12935/2019, the Court had, with the consent of learned counsel for both sides, permitted the cross examination of the plaintiff's witness (PW-1), who is resident outside India, to be conducted by video conferencing. Paragraph 5 of the said order reads as follows:

"5. The matter be placed before the Joint Registrar on 07.11.2019 for fixing a date for cross examination and making the necessary procedural arrangements. The plaintiff shall submit the name of the person who will be the coordinator at the remote location in Bangkok in terms of Clause 3.4(1) of the guidelines."

2. As it happens, the witness was travelling to India. Learned counsel for the plaintiff therefore submitted before the Joint Registrar that the witness will be produced for recording of his statement, and video

conferencing is not required. Accordingly, the plaintiff was examined-in-chief and partly cross examined in person before the Joint Registrar on 21.01.2020. However, his cross examination remains incomplete. The Joint Registrar has fixed the matter for further proceedings on 24.03.2020. Learned counsel for the plaintiff states that she does not have confirmed instructions as to whether the witness will be produced before the Joint Registrar for further cross examination on the date fixed or video conferencing will be required for the cross examination.

3. In these circumstances, it is directed that the matter be placed before the Joint Registrar on the date fixed, i.e. 23.04.2020. On that date, learned counsel for the plaintiff will inform the Joint Registrar as to whether PW-1 can be produced for further cross examination in person, and if so, necessary directions shall be given by the Joint Registrar. In the event PW-1 video conferencing is sought, the Joint Registrar shall give necessary procedural directions in terms of paragraph 5 of the order dated 19.09.2019 and fix a schedule for the same.

4. The plaintiff has not other witness. After the evidence of PW-1, is concluded, the Joint Registrar will give directions for filing of affidavits of evidence on behalf of the defendants and recording of their statements.

5. List before the Joint Registrar on the date fixed, i.e. 24.03.2020.

6. List before Court on 19.08.2020, for monitoring of the proceedings.

PRATEEK JALAN, J

FEBRUARY 26, 2020

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