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

+ TEST.CAS. 88/2015

AMIT SAXENA

..... Petitioner

Through Ms. Mukti Chaudhry, Advocate

versus

STATE AND ORS

..... Respondents

Through Mr. Nitin Gupta, Advocate for R-2 to
R-4

CORAM:

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

ORDER

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18.09.2017

The report of the Registrar (Computer) is on record.

The plaintiff has filed the affidavits in evidence.

Vide order dated 08.09.2017, the Hon'ble Court has directed this court (Joint Register) to record the evidence of PW1 and PW2 by way of video conferencing as per the rules framed by Hon'ble High Court to this effect. Therefore, in addition to the conditions as mentioned in order dated 08.09.2017 of the Hon'ble Court, the following conditions are imposed for recording of evidence of through video conferencing:-

1. Evidence of the plaintiff shall be recorded through video conferencing between Delhi, Indian Embassy/ Consulate in Atlanta, USA.

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 Indian Embassy/ Consulate in Atlanta, USA.
4. The Indian High Commissioner at Indian Embassy/ Consulate in Atlanta, USA shall nominate a senior officer not below the rank of Deputy Secretary of India to facilitate video conferencing. The officer nominated by the Indian High Commissioner shall coordinate the video conferencing arrangements in Indian Embassy/ Consulate in Atlanta, USA and shall remain present at the time of recording of evidence of PW-1 and PW-2.
5. The officer nominated by the Indian High Commissioner in terms of the direction at serial No.4 above shall ensure that apart from his own presence, only counsel for the plaintiff or the plaintiff shall be 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 Indian Embassy/ Consulate in Atlanta, USA shall verify the identity of the witnesses 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 witnesses shall be examined during working hours of Indian Courts. The plea of any inconvenience on account of time difference between Indian Embassy/Consulate in Atlanta, USA shall not be allowed. However, the convenience of the Indian Embassy/Indian Consulate in Atlanta, USA 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 witnesses while on the screen and shall note the objections raise during recording of evidence.
11. The deposition of the witnesses shall be signed immediately in the presence of the nominated officer of the Indian Embassy/Consulate in Atlanta, USA. The said officer shall certify/attest the signatures of the witnesses.
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 plaintiff shall bear the cost/expenses of the video conferencing.

The expenses for the video conferencing to be undertaken in Atlanta, USA shall be informed to the plaintiff through counsel by the Indian Embassy/Consulate in Atlanta, USA. 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.

14. The officer of the India Embassy/ Consulate in Atlanta, USA to be nominated by the Indian High Commissioner shall be paid a lump sum amount of Rs.50,000/- (Rupees Fifty Thousand Only) as honorarium.
15. 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 Indian Embassy/ Consulate in Atlanta, USA with the assistance of Ministry of External Affairs.
16. This record shall be made available to the officer nominated by the Indian High Commissioner for the purpose of undertaking the video

conferencing as it would be necessary for recording the statement and cross examination of the witnesses.

17. In case, the defendants are desirous of being physically present in Indian Embassy/ Consulate in Atlanta, USA 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 Indian High Commission in Atlanta, USA.

18. List for recording of evidence of the PW-1 and PW-2 through video conference on 08.01.2018 at 02:00 pm (IST).

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

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

PANKAJ GUPTA (DHJS)
JOINT REGISTRAR (JUDICIAL)

SEPTEMBER 18, 2017/nd