C.S.No.413 of 2017
and A.No.3246 of 2021

N.SESHASAYEE.J.,

1.The learned Commissioner informs the Court that she has difficulty in recording the evidence during cross-examination. The difficulties she expressed are that:

(a) In that room, the witness who is in her 80s was surrounded by lawyers and junior lawyers to assist. Besides, the husband of the plaintiff is there in the room. Hence, the room set up has to be organised.

(b) When a question is asked to the witness, the same question is repeated in a different form by the counsel for the defendants, even as the witness answers.

(c) The plaintiff's counsel tries to assist the witness by repeating the same question again.

These create some difficulty in conducting examination of witness.

2. The scenario can be visualised. This Court now directs the manner to be followed during cross-examination by the Commissioner :

(1) Only one lawyer each for either side is permitted in the room where cross-examination takes place, so that the room is not crowded.

(2) The next question should be asked only after the witness has completed giving her answer for the earlier question.

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(3) The defendant counsel is required not to interrupt the answer with fresh question, when the answers are being given.

(4) Since the lady is in her advanced age, somebody can be present in the room to address the physical discomfort, if any of the witness and such person is forbidden from assisting P.W.1 in answering any question.

(5) Witness should not be prompted by anybody present in the room.

3. The Commissioner is now required to record the deposition. The Commissioner is also required to give a written report if all conditions herein above indicated are duly followed, to the Court.

4. The cross-examination of P.W1 to continue at 3.p.m., on 16.12.2021, 17.12.2021 and 18.12.2021.

Post the matter on 07.01.2022.

03.12.2021

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