

## Sh.S.M. Arora vs Sh.Sri Krishna & Others on 5 September, 2023

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
CS(OS) 1931/2009  
SH.S.M. ARORA

Through:

versus

SH.SRI KRISHNA & OTHERS

Through:

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS)  
ORDER

% 05.09.2023 Matter is taken up through physical hearing as well as video conferencing.

1. Vide this Order, I shall set out the modalities for recording of evidence of PW Sh. Trilok Chand Wadhwa through video conferencing. PW Sh. Trilok Chand Wadhwa is stated to be a resident of Mumbai. An IA bearing No. 2970/2023 was filed by plaintiff, whereby the request to record evidence of the witness through video conferencing was made, and it was allowed by Hon'ble Court vide Order dated 26.07.2023, and further clarifications have been mentioned in Order of Hon'ble Court dated 31.08.2023 in I.A. 16516/2023 filed by defendant no.1.

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2. The Hon'ble Court vide abovesaid orders, has directed that evidence of PW Sh. Trilok Chand Wadhwa be recorded through Video conferencing from his residence at 1/B-54, Rustamjee Agency, Jaywant Sawant Road, Dahisar, West Mumbai- 400068 on 13th, 14th and 15th September, 2023 at 2.30 p.m. on each day in the presence of Mr. Sameer Sharma, Advocate / Local Commissioner (Mobile No. 9213857759) who shall act as Remote Point Coordinator, to ensure free, fair and impartial recording of evidence in compliance of Rule 5.6 of the High Court of Delhi Rules for Courts, 2021, which has been enlisted in the para no.5 of Order of Hon'ble Court dated 31.08.2023. The fees and travelling / boarding and other miscellaneous expenses of Local Commissioner shall be paid by the plaintiff as per Order dated 31.08.2023.

3. Modalities for recording of evidence through Video Conferencing are being set out as under:-

3.1 The evidence shall be recorded in accordance with the High Court of Delhi Rules for Video Conferencing for Courts, 2021.

As per the said Rules, the person who is to be examined, is required to provide identity proof to the Court point Coordinator by personal email. The witness shall comply with the said direction, in terms of Rule 8.1 of the said Rules.

3.2 The witness has already e-filed affidavit of evidence on record. He shall give his willingness for his deposition through video conferencing, by way of e-mail.

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3.3 A Coordinator is required to be appointed under Rule 5.1 of the aforesaid Rules. The Hon'ble Court has already appointed Sh. Sameer Sharma, Advocate as Local Commissioner who shall act as Remote Point Coordinator to supervise the recording of evidence of witness at the remote point i.e. residence of the witness.

3.4 Certain equipments are required to be in existence at the remote point. The Coordinator is directed to ensure the existence of the said equipments in accordance with Rule 4 of the High Court of Delhi Rules for Video Conferencing for Courts, 2021.

3.5 The Coordinator at remote point shall ensure compliance with Rule 5.6 of the aforesaid Rules. In case the Coordinator requires scanned copy of any part of the judicial record, this court may be informed in advance so that the record can be transmitted, else the plaintiff's counsel can take appropriate steps to send the certified copy of the file to the Local Commissioner/ remote point coordinator.

3.6 The Reader of the Court/concerned official Incharge of Video Conferencing Room of Delhi High Court shall ensure that an audio-visual recording of the examination of the witness is carried out and preserved as per Rule 8.9 of the High Court of Delhi Rules for Video Conferencing for Courts, 2021. For this purpose, assistance of the computer branch may be availed, if necessary.

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3.7 The Remote Point Coordinator shall ensure that no person is present in the room where the witness is being examined except the witness, the Coordinator and the necessary technical staff of the Coordinator, in terms of Rule 8.11 of said Rules.

3.8 In case there are any expenses incurred in making arrangements for Video Conferencing, the said expenses shall be borne by the plaintiff, as per Rule 13.2 of the High Court of Delhi Rules for

Videoconferencing for Courts, 2021.

3.9 The Remote Point Coordinator shall join the Court proceedings through Cisco Webex software application through the URL/ Link to be shared half an hour before starting of evidence.

3.10 The counsels for both the parties have agreed to remain physically present in the Court/ Video Conferencing Room for the purpose of cross examination of the witness.

4. Let copy of the High Court of Delhi Rules for Videoconferencing for Courts, 2021, copy of this order, copy of orders of the Hon'ble Court dated 26.07.2023 and 31.08.2023, and copy of Memo of Parties be sent to the Remote Point Coordinator via electronic mode by the Ld. Counsel for plaintiff. The Coordinator shall confirm compliance with the aforesaid directions by way of e-mail or telephonic communication to the Reader of this Court at e-mail ID bhaskertiwari72@gmail.com or contact no. 9868053019.

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5. The case shall be taken up on 13.09.2023 at 2.30 PM for recording of evidence of abovesaid witness through Video Conferencing.

TYAGITA SINGH, (DHJS), JOINT REGISTRAR (JUDICIAL) SEPTEMBER 5, 2023/sm This is a digitally signed order.

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\$~5 \*IN THE HIGH COURT OF DELHI AT NEW DELHI + CS(OS) 1931/2009 SH.S.M. ARORA .....  
Plaintiff Through: Mr. B.K. Sood, Adv. M. 9810084153 Email : bksood53@hotmail.com versus  
SH.SRI KRISHNA & OTHERS ..... Defendant Through: Mr. Sanjeev Mahajan, Adv. for D-1  
alongwith D-1 in person.

Joginder Mohan (Through VC) M. 9041059901, nikunj75@gmail.com CORAM:

JOINT REGISTRAR (JUDICIAL) MS. TYAGITA SINGH, (DHJS) ORDER %  
05.09.2023 Matter is taken up through physical hearing as well as video  
conferencing.

Vide separate order of even date, the modalities of recording of evidence of PW Sh. Trilok Chand Wadhwa have been set out. Copy of order be sent to concerned official of Video Conferencing Room, Delhi High Court for compliance. Ld. Counsel for both the parties are directed to co-operate with each other for compliance of Orders of the Hon'ble Court as well as Order of this Court setting out modalities for recording of

evidence through Video Conferencing. The e-mail ID of remote point Coordinator be supplied to the Reader of this Court by Ld. counsel for plaintiff.

Be fixed for evidence by way of Video Conferencing on 13 th, 14th and 15th September, 2023 at 2:30 P.M. TYAGITA SINGH, (DHJS), JOINT REGISTRAR (JUDICIAL) SEPTEMBER 5, 2023/sm This is a digitally signed order.

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