



CR-5520-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CR-5520-2025 (O&M)
Decided on :- 20.08.2025**

Punita Chadha

....Petitioner

VERSUS

Sanjana Bhandari and Others

...Respondents

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Vipul Sharma, Advocate for the petitioner.

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MANDEEP PANNU J.

1. The present civil revision petition has been filed by the petitioner/defendant challenging the orders dated 10.01.2025 and 23.07.2025 passed by the learned Civil Judge (Junior Division), Panchkula in Civil Suit No.311 of 2000 titled "Sanjana Bhandari versus Punita Chadha and others", whereby the applications filed by the petitioner seeking permission to record her evidence through Video Conferencing/WhatsApp or any other electronic communication mode were dismissed.

Brief facts

2. The petitioner and respondent No.1 are sisters and the only surviving legal heirs of late Shri Sushil Kumar Bhandari. Respondent No.1/plaintiff filed a civil suit for declaration to the effect that she is the absolute owner in possession of the property in dispute. The present petitioner/defendant No.1 filed her written statement along with a counter-claim and thereafter issues were framed.



3. The plaintiff led her evidence and closed the same, following which the petitioner/defendant was called upon to lead her evidence. On 19.07.2024, due to her poor health, an adjournment was sought, which was allowed. Subsequently, the petitioner, on account of her continuing ill health and inability to travel from Gurgaon to Panchkula, moved an application on 01.10.2024 seeking permission to record her testimony through video conferencing/WhatsApp or any other electronic mode. The said application was dismissed by the trial court on 10.01.2025.

4. Thereafter, the petitioner filed a fresh application, enclosing her medical records and highlighting her serious ailments, once again seeking permission to depose through video conferencing. The said application too was dismissed by the trial court vide order dated 23.07.2025 on the ground that the medical reports produced pertained to the year 2024 and no updated record had been placed regarding her present health condition in 2025.

5. Aggrieved by the said orders, the present revision petition has been preferred.

Submissions of learned counsel for the petitioner

6. Learned counsel for the petitioner/defendant has argued that both the impugned orders are illegal and perverse. It is submitted that the trial court failed to appreciate the law laid down by the Hon'ble Supreme Court in State of *Maharashtra vs. Dr. Praful B. Desai, [(2003) 4 SCC 601]*, wherein it has been categorically held that *where the witness is necessary for the ends of justice and the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case would be*



unreasonable, the Court may dispense with such attendance and issue a commission for examination of the witness. Normally a commission would involve recording evidence at the place where the witness is. In case where the attendance of a witness cannot be procured without an amount of delay, expense or inconvenience the court would consider issuing a commission to record the evidence by way of video conferencing. It is further held that under Section 3 of the Evidence Act, 1872, evidence can be both oral and documentary and electronic record can be produced as evidence. This means that evidence, even in criminal matters, can also be by way of electronic records. This would include video conferencing.

7. It has been further submitted that the petitioner is a senior citizen suffering from serious ailments, and compelling her to travel from Gurgaon to Panchkula would cause grave hardship and virtually deprive her of the opportunity to defend her case effectively.

Findings

8. I have heard learned counsel for the petitioner and carefully perused the record.

9. It is not in dispute that the petitioner is an old lady and a senior citizen, who has consistently expressed her inability to attend the Court physically due to serious health issues. The reason assigned by the learned trial court that her medical record is of the previous year i.e year 2024 does not justify the rejection of her applications.

10. The Hon'ble Supreme Court in *Dr. Praful B. Desai (supra)* has clearly approved the examination of witnesses through video conferencing, holding it to be equivalent to examination in Court, provided appropriate safeguards are



followed. The Punjab and Haryana High Court (Video Conferencing) Rules also specifically provide that evidence may be recorded by video conferencing at any stage of judicial proceedings.

11. Merely because the petitioner is a material witness whose testimony involves intricate details is no ground to deny the request, as such details can very well be deposed through video conferencing. No prejudice would be caused to the respondents if the evidence is so recorded, as the opposite party shall still have full opportunity to cross-examine the witness. On the contrary, denial of such facility in the present case would amount to denial of a fair opportunity to the petitioner to lead her defence.

12. In view of the discussion made herein-above, this Court is of the opinion that the impugned orders dated 10.01.2025 and 23.07.2025 suffer from material irregularity and illegality. The trial Court failed to appreciate the binding law laid down by the Hon'ble Supreme Court in *Dr. Praful B. Desai's case (supra)* and the Rules framed by this Court governing video conferencing. The reasoning that the medical record of the petitioner pertains to the year 2024, cannot override her right to effectively defend her case, particularly when she is a senior citizen suffering from serious ailments. The denial of the request has the effect of defeating the cause of justice and prolonging unnecessary hardship upon the petitioner.

Conclusion

13. In view of the aforesaid, the present civil revision petition is allowed. The impugned orders dated 10.01.2025 and 23.07.2025 passed by the learned Civil Judge (Junior Division), Panchkula, are hereby set aside.



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14. The petitioner shall be permitted to record her testimony through video conferencing in accordance with the safeguards laid down in the Punjab & Haryana High Court Video Conferencing Rules.

15. It is, however, made clear that the petitioner shall ensure her availability on the date(s) fixed by the trial court through video conferencing, without seeking unnecessary adjournments or adopting dilatory tactics.

16. Revision petition stands allowed. No order as to costs

17. Pending application(s), if any, also stand disposed off.

August 20, 2025

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(MANDEEP PANNU)

JUDGE

Whether speaking/non-speaking : Speaking

Whether reportable : Yes/No