



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

280

CR No.5074-2023 (O&M)
Date of Decision: 05.05.2025

Chakravarthy Madasu and another

...Petitioners

V/s

M/s Cardiolab Healthcare India Pvt. Ltd.

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Naresh Kaushik, Advocate, for the petitioners.

None for the respondent.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition assails the order dated 20.07.2023 (Annexure P-5) passed by the Court of learned Civil Judge (Jr. Divn.), SAS Nagar, Mohali vide which the application submitted by petitioner/defendant No.1 seeking his cross-examination by way of video conferencing was declined.

2. A suit for recovery of Rs.5,48,000/- along with interest was filed by the respondent-plaintiff against the petitioner/defendant No.1 (Annexure P-1). During the evidence of the defendants, petitioner appeared as DW-1. His examination-in-chief was conducted on 02.03.2023. However, his cross-examination was deferred and he was bound down for 14.03.2023.

3. An application (Annexure P-3) was moved by the petitioner /defendant No.1 seeking his cross-examination through video conferencing. It was averred that since he is a native of Hyderabad, Telengana, which is 1800 kilometers away from SAS Nagar, where the trial is pending, it is tough for him to travel for many days and spend substantial amount on the same. The application was opposed by way of a reply (Annexure P-4). It was averred that since defendant No.1 was a material witness, his physical appearance was



must as certain facts and documents needed to be put to him. It was averred that long travel and huge expenses could not be a ground to allow his cross-examination by way of video conferencing.

4. By way of the impugned order, the said application was dismissed leading to the filing of the present revision petition.

5. I have heard learned counsel for the petitioner.

6. Learned counsel for the petitioner submits that the view taken by the trial Court in dismissing the application is erroneous. He submits that in view of the video conferencing guidelines having been issued by this High Court, cross-examination of petitioner-defendant No.1 can very well be conducted by way of video conferencing. In support of his contention, learned counsel has placed reliance on the judgment of the Supreme Court of India in *State of Maharashtra vs. Dr. Praful B. Desai and another, 2003(2) RCR (Crl.) 770*, of Delhi High Court in *International Planned Parenthood Federation (IPPF) vs. Madhu Bala Nath, 2016 AIR (Delhi) 71*, of this High Court in *Sukhmanjit Singh Dhindsa vs. State of Punjab and others, 2024 (1) RCR (Crl.) 636, Renu Singla vs. State of Punjab and another (CRM-M-52559-2023, decided on 05.03.2025)* and of Karnatka High Court in *Twentieth Century Fox Film Corporation and another vs. NRI Film Production Associates (P) Ltd., 2003(2) RCR (Civil) 307* and *T.G. Veeraprasad and others vs. Sri Prakash Gandhi and others (Writ Petition No.8283 of 2022, decided on 01.07.2022)*.

7. I have considered the submissions made by learned counsel for the petitioner.

8. Admittedly, video conferencing guidelines have been issued by this Court, wherein the entire procedure has been laid down. Video conferencing equipments are now in place in every district and even in 2023, when the order was passed, the said facility was duly available. The trial



Court did not consider the guidelines issued by this Court, nor the settled law on the subject while dismissing the application. It was simply held by the trial Court that mere delay, inconvenience or expenses could not be a ground to allow a litigant to have an alternative mode of leading ocular evidence. The trial Court accepted the version of the plaintiff that since petitioner-defendant No.1 was a material witness, he needed to be confronted by certain documents for which his physical presence was required. In the considered opinion of this Court, the trial Court should have taken a holistic view of the matter keeping in view the present scenario where video conferencing is being encouraged with a view to save the time and expenses of parties, witnesses, experts and the Court. In the considered opinion of this Court, the order is, therefore, not sustainable.

9. Accordingly, the present revision petition is allowed. The order dated 20.07.2023 (Annexure P-5) passed by the Court of learned Civil Judge (Jr. Divn.), SAS Nagar, Mohali is set aside and the application submitted by petitioner/defendant No.1 is allowed. His cross-examination be conducted by way of video conferencing as per the guidelines issued by this Court. However, if the cross-examination by way of video conferencing is not possible due to certain technical reasons, the trial Court would be free to take a decision in this regard. Still further, in case, the trial Court feels that the physical presence of the petitioner/defendant No.1 would still be required on some date, it would always be its prerogative to so order.

(VIKRAM AGGARWAL)
JUDGE

May 05, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No