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

CR-6441-2026(O&M)

Date of decision : 27.08.2026

DALJITINDER KAUR @ DALJIT INDER ARORA ...PETITIONER

Versus

AMARINDER SINGH BRAR AND ORS. ...RESPONDENTS

CORAM:HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. A.S. Narang, Advocate for the petitioner.

DEEPINDER SINGH NALWA, J. (Oral)

1. The present revision petition has been filed against the order dated 03.07.2026 (Annexure P-1) passed by the Trial Court, whereby the application filed by the petitioner-plaintiff seeking permission to record her evidence through video conferencing, has been dismissed.

2. Learned counsel appearing on behalf of the petitioner submits that a perusal of the impugned order dated 03.07.2026 (Annexure P-1) would show that the Trial Court has dismissed the abovesaid application primarily on the ground that no medical certificate was furnished by the petitioner-plaintiff to show her inability to appear before the Trial Court and, as such, there was no sufficient cause to establish for securing exemption from her personal appearance. Learned counsel submits that, while passing the impugned order dated 03.07.2026 (Annexure P-1), the Trial Court failed to take into consideration the Video Conferencing Rules (in short 'the Rules') (Annexure P-9) framed by the High Court in exercise of the powers



conferred under Articles 225 and 227 of the Constitution of India, governing the conduct of judicial proceedings through electronic means. It is also the case of learned counsel for the petitioner that the petitioner-plaintiff is aged about 72 years and is suffering from Arthritis and has been advised knee replacement. The medical certificate in this regard has been placed on record as Annexure P-4 with the present petition. Learned counsel has particularly referred to Rule 8.15 of the aforesaid Rules, which contemplates recording of evidence through video conferencing where the required person is unable to reach the Court Point or the Remote Point on account of sickness or physical infirmity, or where his/her presence cannot be secured without undue delay or expense. The relevant provisions of the Rules have been reproduced hereunder:-

“Examination of persons

8.1 Any person being examined, including a witness shall, before being examined through video conferencing, produce and file proof of identity by submitting an identity document issued or duly recognized by the Government of India. State Government, Union Territory, or in the absence of such a document, an affidavit attested by any of the authorities referred to in Section 139 of the CPC or Section 297 of the CrPC, as the case maybe. The affidavit will inter alia state that the person, who is shown to be the party to the proceedings or as a witness, is the same person, who is to depose at the virtual hearing. A copy of the proof of identity or affidavit, as the case may be, will be made available to the opposite party



8.2 The person being examined will ordinarily be examined during the working hours of the concerned Court or at such time as the Court may deem fit. The oath will be administered to the person being examined by the Coordinator at the Court Point.

8.3 Where the person being examined, or the accused to be tried, is in custody, the statement or, as the case may be, the testimony, may be recorded through video conferencing. The Court shall provide adequate opportunity to the under trial prisoner to consult in privacy with their counsel before, during and after the video conferencing.

8.4 Subject to the provisions for examination of witnesses contained in the Evidence Act, before the examination of the witness, the documents, if any, sought to be relied upon shall be transmitted by the applicant to the witness, so that the witness acquires familiarity with the said documents. The applicant will file an acknowledgment with the Court in this behalf.

8.5 If a person is examined with reference to a particular document then the summons to witness must be accompanied by a duly certified photocopy of the document. The original document should be exhibited at the Court Point in accordance with the deposition of the concerned person being examined.

8.6 The Court would be at liberty to record the demeanour of the person being examined.

8.7 The Court will note the objections raised during the deposition of the person being examined and rule on them.



8.8 The Court shall obtain the signature of the person being examined on the transcript once the examination is concluded. The signed transcript will form part of the record of the judicial proceedings. The signature on the transcript of the person being examined shall be obtained in either of the following ways:

8.8.1 If digital signatures are available at both the concerned Court Point and Remote Point, the soft copy of the transcript digitally signed by the presiding Judge at the Court Point shall be sent by the official email to the Remote Point where a print out of the same will be taken and signed by the person being examined. A scanned copy of the transcript digitally signed by the Coordinator at the Remote Point would be transmitted by official email of the Court Point. The hard copy of the signed transcript will be dispatched after the testimony is over, preferably within three days by the Coordinator at the Remote Point to the Court Point by recognized courier/registered speed post.

8.8.2 If digital signature are not available, the printout of the transcript shall be signed by the presiding Judge and the representative of the parties, if any, at the Court Point and shall be sent in non-editable scanned format to the official email account of the Remote Point, where a printout of the same will be taken and signed by the person examined and countersigned by the Coordinator at the Remote Point. A non- editable scanned format of the transcript so signed shall be sent by the Coordinator of the Remote Point to the official email account of the Court Point, where a print out of the same will be taken and shall be made a part of the judicial record. The Hard copy would also be dispatched preferably within three days by the



Coordinator at the Remote Point to the Court Point by recognized courier/ registered speed post.

8.9 An audio-visual recording of the examination of person examined shall be preserved. An encrypted master copy with hash value shall be retained as a part of the record.

8.10 The Court may, at the request of a person to be examined, or on its own motion, taking into account the best interests of the person to be examined, direct appropriate measures to protect the privacy of the person examined bearing in mind aspects such as age, gender, physical condition and recognized customs and practices.

8.11 The Coordinator at the Remote Point shall ensure that no person is present at the Remote Point, save and except the person being examined and those whose presence is deemed administratively necessary by the Coordinator for the proceedings to continue.

8.12 The Court may also impose such other conditions as are necessary in a given set of facts for effective recording of the examination (especially to ensure compliance with Rule 5.6.4)

8.13 The examination Shall, as far as practicable, proceed without interruption or the grant of unnecessary adjournments. However, the Court or the Commissioner as the case may be, will be at liberty to determine whether an adjournment should be granted, and if so, on what terms.

8.14 The Court shall be guided by the provisions of the CPC and Chapter XXIII, Part B of the CrPC, the



Evidence Act and the IT Act while examining a person through video conferencing.

8.15 Where a Required Person is not capable of reaching the Court Point or the Remote Point due to sickness or physical infirmity, or presence of the required person cannot be secured without undue delay or expense, the Court may authorize the conduct of video conferencing from the place at which such person is located. In such circumstances the Court may direct the use of portable video conferencing system. Authority in this behalf may be given to the concerned Coordinator and/or any person deemed fit by the Court.

8.16 Subject to such orders as the Court may pass, in case any party or person authorized by the party is desirous of being physically present at the Remote Point at the time of recording of the testimony, such a party shall make its own arrangement for appearance/representation at the Remote Point.”

3. Having considered the matter in its entirety particularly in light of the Video Conferencing Rules framed by this Court and factual circumstances, this Court finds merit in the submissions made by learned counsel for the petitioner. The Video Conferencing Rules framed by this Court specifically provide a mechanism for recording the evidence of a person who, on account of sickness or physical infirmity, is unable to reach the Court Point or the Remote Point. Rule 8.15 of the Rules empowers the Court to permit recording of evidence through video conferencing from the place where such person is located. The Rules also contemplate adequate safeguards to ensure the



sanctity and authenticity of the proceedings, including verification of identity, administration of oath, recording of objections, preservation of the audio-visual recording and incorporation of the signed transcript on the judicial record.

4. In the present case, the petitioner-plaintiff is stated to be 72 years of age and has placed on record a medical certificate showing that she is suffering from Arthritis and has been advised knee replacement. The mere absence of a medical certificate at the stage of consideration of the application could not be made the basis for rejecting the prayer, particularly when the Rules themselves provide for recording of evidence through video conferencing in appropriate cases of physical infirmity.

5. Taking into consideration the facts of the present case and the abovementioned Rules, the impugned order dated 03.07.2026 (Annexure P-1) is set aside. However, since the Trial Court is required to consider the request of the petitioner-plaintiff in the light of the relevant provisions of the Video Conferencing Rules and the complete material placed on record, liberty is granted to the petitioner-plaintiff to file a fresh application seeking permission to record her evidence through video conferencing, along with all requisite documents, including the relevant provisions of the Rules and the medical documents relied upon by her.

6. Learned counsel appearing on behalf of the petitioner undertakes that the petitioner-plaintiff shall file a fresh application within a period of two weeks from today. In case such an application is

filed, the Trial Court shall consider the same in accordance with law and in the light of the Video Conferencing Rules framed by this Court, particularly the provisions relating to examination of persons through video conferencing, as well as the medical condition and age of the petitioner-plaintiff.

7. It is clarified that this Court has not expressed any opinion on the merits of the fresh application, and the same shall be considered by the Trial Court independently, in accordance with law.

8. Pending application(s), if any, shall also stand(s) disposed of.

27.08.2026

d.gulati

Whether speaking / reasoned :

Whether Reportable :

(DEEPINDER SINGH NALWA)

JUDGE

Yes

No

Yes

No