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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010313482019

+ **CS(COMM) 381/2019**

GAMESOFT CORPORATION

.....Plaintiff

Through: Mr. Anirudh Bakhru, Mr. Dhruv Anand, Mr. Dhananjay Khanna and Ms. Bhavya Verma, Advocates.

versus

ABHISHEK KUMBHAT & ORS.

.....Defendants

Through: Mr. Dushyant Mahant, Mr. Subhash Bhutoria, Ms. Anuja Negi and Ms. Devangini Rai, Advocates.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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09.10.2026

I.A. 27640/2026 (U/O XXVI Rule 2, 4 & 5 of CPC)

1. This Application has been filed on behalf of the Plaintiff seeking permission for allowing designating "Court Point" and "Remote Point" for conducting the cross-examination of the Plaintiff's witnesses, Mr. David White and Mr. Douglas R. Feurring in accordance with Delhi High Court Electronic Evidence and Video Conferencing Rules, 2025 ("**VC Rules**").

2. It was submitted on behalf of the Plaintiff that *vide* order dated 03.12.2025, this Court had allowed the recordal of evidence through video conferencing by the learned Court Commissioner appointed by this Court. It was further submitted on behalf of the Plaintiff that the Plaintiff's witnesses, whose cross-examination is to be conducted are located in Florida, United States of America, which is having time difference of 9.5 hours from India. Accordingly, it was submitted on behalf of the Plaintiff that the premises outside this Court be designated as "Court Point" from where the learned



Court Commissioner can conduct the cross-examination through video conferencing.

3. The Plaintiff has also sought designation of the “Remote Point” at the office of the Plaintiff’s witness in Florida located at 2200, Butts Road, Suite 300, Boca Raton, FL 33431.

4. Learned Counsel for the Plaintiff has relied upon Rule 25 of the VC Rules, which provides that if this Court is satisfied that operation of any rule is causing undue hardship, the requirement of that rule may be dispensed with or relaxed to such an extent and subject to such conditions, as may be stipulated to deal with the case in a just and equitable manner.

5. The Plaintiff has further prayed that Mr. Russell Silverglate, Notary Public be appointed as Remote Point Coordinator in Florida for the purposes of recordal of the evidence.

6. Learned Counsel for the Defendant has submitted that the Defendant has no objection for designating the “Court Point” and “Remote Point” as prayed by the Plaintiff so long as the Plaintiff is ready to bear the expenses to be incurred for conducting the cross-examination from such Points.

7. Having considered the averments made in this Application as well as the submissions made on behalf of the Parties, the VC Rules define the “Court Point” and “Remote Point” as under:

“(f) “Court point” means the courtroom or the place where the court is physically convened, or the place where commissioner or an inquiry officer holds proceedings pursuant to the directions of the court;

(l) “Remote Point” means a place where any person is required to be present or appear through a live link and includes designated place from where submissions may be made before the Court but does not include Advocate’s remote point.”



8. The above definition of “Court Point” provides that the same can be at any place where the commissioner holds the hearing pursuant to directions of this Court. Similarly, the “Remote Point” is defined as a place where the witness is required to be present or appear through a live link.

9. In view of the same, it is not necessary that the “Court Point” has to be located within the premises of this Court and the “Remote Point” also can be at any place, which is designated by this Court.

10. As regards the appointment of Remote Point Coordinator, Rule 9(4) of the VC Rules provides that where a Required Person is located at an overseas location, only an official of an Indian Consulate / the relevant Indian Embassy / the relevant High Commission of India, can be appointed as the Remote Point Coordinator. Accordingly, the prayer for appointment of Mr. Russell Silverglate, Notary Public as Remote Point Coordinator in Florida cannot be acceded to.

11. Considering the time difference between India and Florida as well as inability of the Plaintiff’s witnesses to travel, the prayers sought by the Plaintiff to designate the “Court Point” and the “Remote Point” are allowed.

12. Accordingly, the “Court Point” for conducting the cross-examination of Mr. David White and Mr. Douglas R. Feurring is designated as the Oberoi Hotel, Zakir Hussain Marg, New Delhi where the learned Court Commissioner will hold the proceedings pursuant to the directions contained in the present Order. All the expense for booking the “Court Point” shall be borne by the Plaintiff.

13. The “Remote Point” is designated as 2200, Butts Road, Suite 300, Boca Raton, FL 33431, where the Plaintiff’s witnesses, Mr. David White and Mr. Douglas R. Feurring shall remain present.



14. It is directed that an official from Consulate General of India, Atlanta, United States of America located at 5549 Glenridge Drive NE, Atlanta, GA-30342 shall be designated and will remain present at the “Remote Point” on the date and time to be communicated by the learned Court Commissioner. The remuneration and entire expense for travel, stay and any other logistical arrangements shall be communicated by the Consulate General of India at Atlanta to the learned Counsel for the Plaintiff, who shall deposit the same in advance.

15. The Registry of this Court is directed to send a copy of this Order as well as the VC Rules to the Consulate General of India at Atlanta through e-mail at miscservices.atlanta@mea.gov.in by 12.10.2026 for necessary compliance of this Order.

16. It is directed that all Parties shall strictly comply with the provisions of the VC Rules, while conducting the cross-examination, as directed above.

17. The Application stands disposed of with the aforesaid directions.

I.A. 7490/2026 (Amendment in the list of witnesses)

18. Learned Counsel for the Defendants has made his submissions.

19. List for submissions on behalf of learned Counsel for the Plaintiff on 15.10.2026.

TEJAS KARIA, J

OCTOBER 9, 2026/sms