



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

(119)

CR-4160-2026 (O&M)
Date of Decision: **27.05.2026**

ASHWANI KUMAR SHARMA

... Appellant

Versus

RAMA RANI SHARMA AND OTHERS

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Jatin Bansal, Advocate with
Ms. Keerti Sandhu, Advocate and
Ms. Prabhjot Kaur, Advocate
for the petitioner.

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VIRINDER AGGARWAL, J. (Oral)

1. The present revision petition has been instituted under Article 227 of the Constitution of India, invoking the supervisory jurisdiction of this Court and assailing the order dated 20.03.2026 (Annexure P-1) passed by the learned Civil Judge, Chandigarh, whereby the application preferred by the petitioner seeking permission to record the testimony of the attesting witness, namely Dr. Plom Khurana, was dismissed.

2. It has been contended on behalf of the petitioner that the present litigation pertains to the succession and inheritance of the estate of Smt. Prabha Kanta Sharma, wherein the petitioner has propounded a registered Will dated 21.12.1979, which was duly registered on 25.01.1980, under which the property in dispute is stated to have been bequeathed in favour of the petitioner and respondents No. 5 to 8 in equal shares.



2.1. It is further submitted that Dr. Plom Khurana is a material, relevant, and indispensable witness whose testimony is essential for proving the due execution and attestation of the aforesaid Will in accordance with law. It is contended that an application dated 02.12.2025 was moved seeking permission for recording her testimony through video conferencing on the ground that she is an elderly lady aged approximately 78 years, presently residing at Gurugram, and is also attending to her ailing husband, who is stated to be suffering from Stage-IV cancer, in addition to severe cardiac ailments and diabetes. Owing to such compelling personal and medical circumstances, it is submitted that she is not in a position to undertake travel to Chandigarh for the purpose of recording her deposition before the learned Trial Court.

3. The said application was contested by respondents No. 1 to 4 and, after considering the rival submissions, the learned Trial Court, vide the impugned order dated 20.03.2026, dismissed the application.

4. Aggrieved by the aforesaid impugned order and being dissatisfied with the findings recorded therein, the petitioner has preferred the present revision petition.

5. I have heard the submissions advanced by learned counsel for the petitioner and have minutely examined the pleadings and material available on the record.

6. Learned counsel for the petitioner has contended that the impugned order has been passed in a wholly mechanical and perfunctory manner, without due application of judicial mind to the facts and circumstances specifically pleaded in the application. It has further been



contended that this Court has already framed Rules governing the recording of evidence through video conferencing and that the impugned order has been passed in complete disregard and contravention thereof.

The relevant extract of the impugned order reads as under:—

2. After hearing the submission of leaned counsel for both the parties as well as material placed on record, it is transpired that the present case is filed by the plaintiff seeking decree for declaration that the registered Will dated 28.01.1980 of late Smt. Prabba Kanta Sharma is forged and fabricated. Since the witness to be examined by the defendant i.e. Mrs. Plom Khurana w/o of Sh. Desh Bandhu Khurana is attesting witness to the aforesaid Will as such her testimony is essential for the just decision of the case. Since her presence would be required to identify the signature or other material circumstances surrounding with the Will, so this Court is the opinion that she could be examined in the Court in the interest of justice. As considering her age as well as travel time, she can be compensated by way of cost. It is further pertinent to mention that it is not case of the applicant that the witness could not travel. As such, the mere age without any ailment of the witness is not a ground to exempt her from appearing in the court. Accordingly, the application in hand stands dismissed.
7. It is pertinent to note that the requisite technological infrastructure for conducting proceedings through video conferencing has been made available to all Courts with the object of facilitating access to justice and ensuring expeditious adjudication of cases. In furtherance of the said objective, this Court, in exercise of the powers conferred under Articles 225 and 227 of the Constitution of India, has framed the Video



Conferencing Rules governing the conduct of judicial proceedings through electronic means.

7.1. A perusal of Rule 3.1 of the said Rules demonstrates that video conferencing facilities may be utilized at all stages of judicial proceedings and for proceedings conducted by the Court, thereby conferring a wide procedural ambit for the use of such technology in the administration of justice. Furthermore, Rule 8 assumes particular significance in the present matter as it specifically governs the procedure relating to the recording of testimony of witnesses through video conferencing. The relevant provision reads as under:—

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 or 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 e mail 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 printout 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.

8. Having considered the matter in its entirety, particularly in light of the Video Conferencing Rules framed by this Court and the factual



circumstances obtaining in the present case, this Court is of the considered view that the request seeking examination of the witness through video conferencing cannot be said to be unreasonable or unjustified. The witness in question is of advanced age and, as brought to the notice of the Court, has recently suffered the loss of her husband after attending to his prolonged medical condition. Such circumstances constitute valid and compelling grounds warranting invocation of the procedural mechanism of recording evidence through virtual mode.

8.1. It further appears that the learned Trial Court has failed to adequately consider the Rules framed by this Court as well as the technological infrastructure specifically established for facilitating judicial proceedings through video conferencing, including the recording of witness testimony. The very object underlying the implementation of such procedural mechanisms is to ensure that the administration of justice remains accessible, efficient, and adaptable to practical exigencies without causing undue hardship to litigants or witnesses.

8.2. Moreover, insofar as the identification of signatures or relevant documents by the witness is concerned, no legal or procedural impediment arises, as copies of the documents proposed to be shown to the witness may be transmitted by the learned Trial Court to the witness in advance, enabling the same to be duly put to her during the course of examination through video conferencing in accordance with law.

8.3. Accordingly, the present revision petition deserves to be and is hereby **allowed**. Consequently, the impugned order is set aside, and the learned Trial Court is directed to proceed with recording the testimony of



the said witness through video conferencing in accordance with the applicable Rules and procedure.

9. It is, however, clarified that the observations recorded hereinabove are not intended to be construed as any expression of opinion on the merits of the underlying dispute. The findings and observations contained in the present order are confined solely to the adjudication of the limited issue arising for consideration in the instant proceedings and shall not be construed as a determination of any substantive issue of fact or law involved in the main matter. Nothing observed herein shall prejudice, affect, or influence the rights, claims, or contentions of any of the parties in the pending proceedings, which shall be decided independently and strictly in accordance with law.

10. In view of the fact that the principal matter stands finally adjudicated, all pending miscellaneous applications, if any, arising out of or connected with the present proceedings shall also stand disposed of accordingly. No further or separate orders are required to be passed in that regard.

27.05.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No