



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 12610 OF 2026 (GM-CPC)

BETWEEN:

MRS. REKHA GUPTA
AGED ABOUT 71 YEARS
W/O LATE GIRISH KUMAR GUPTA
R/AT NO.C-803, SPECTRA CYPRESS,
442-4 HAL AIRPORT VARTHUR ROAD,
BANGALORE NORTH,
BANGALORE URBAN,
KARNATAKA – 560 066

...PETITIONER

(BY SRI. SAMEER SHARMA., ADVOCATE)

AND:

NIL

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION RELAXING THE RULE 5.3.1 OF THE RULES FOR VIDEO CONFERENCING FOR COURTS (NOTIFICATION HCC NO.18/2020 DATED 09.06.2020), IN RECORDING EVIDENCE OF THE PETITIONER IN P & SC NO.11 OF 2025 PENDING ON THE FILE OF THE HON'BLE VI ADDITIONAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL AND PERMIT THE PETITIONER TO APPEAR VIA VIDEO CONFERENCE FROM A SECURE, PRE-VERIFIED LOCATION IN THE USA AND RECORD HER EXAMINATION-IN-CHIEF, AS DEEMED APPROPRIATE BY THIS HON'BLE COURT, ETC.



THIS WRIT PETITION COMING ON FOR ORDERS THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

I.A.No.1/2026

1. The learned counsel for the petitioner has filed I.A.No.1/2026 dated 25.04.2026 under Order VI Rule 17 and Section 151 of the Code of Civil Procedure, 1908, read with Article 227 of the Constitution of India, 1950, seeking permission to amend the petition by incorporating the averments/prayers set out in the application.

2. Learned counsel for the petitioner submits that after the filing of this petition, the petitioner has been informed of a ruling of this Court with regard to the relaxing of the Rules of Video Conferencing, which are relevant to the case. Hence, this application.

3. This Court has examined the amendment sought for and in the circumstances of this case, it is necessary for its



adjudication. Accordingly, and for the reasons set out in the application, I.A.No.1/2026 is allowed.

4. The learned counsel for the petitioner submits that the petition is ready and will be filed during the course of the day. It is so directed.

W.P.No.12610/2026

1. The present petition has been filed seeking directions to the Court of the VI Additional District and Sessions Judge, Bengaluru Rural, directing the Court of the VI Additional District and Sessions Judge, Bengaluru Rural, to pass orders on and accordingly dispose of the interlocutory application [I.A.No.4] dated 19.12.2025 in P & SC No. 11/2025 within a fixed time frame, and as expeditiously as possible. The petitioner has further sought for an additional prayer to relax the Rule 5.3.1 of the Rules for Video Conferencing for Courts (Notification HCC No.18/2020 dated 09.06.2020) [hereinafter referred to as the "Video Conferencing Rules"], in recording evidence of the petitioner in P & SC No.11/2025 and permit the



petitioner to appear via Video Conference from a secure, pre-verified location in the United States of America (USA) and record her Examination-in-chief, as deemed appropriate by this Court.

2. The learned counsel for the petitioner submits that the petitioner is the legally wedded wife of one late Mr. Girish Kumar Gupta, who passed away on 20.09.2024, leaving behind a duly executed last Will and Testament dated 06.05.2024, whereby the entirety of his movables and immovable properties were bequeathed in favour of the petitioner, who is also named as the sole executrix under the said Will.

3. The petitioner being the sole beneficiary and executrix under the Will, had filed a petition under Section 276 of the Indian Succession Act, 1925 [hereinafter referred to as the "I.S. Act"], seeking a probate which was registered as P and SC No.11/2025 before the learned Trial Court.



3.1. During the pendency of the proceedings, on 19.12.2025, the petitioner filed an application under Section 75 and Order XXVI Rule 5 of the Code of Civil Procedure, 1908, read with the provisions of the Rules for Video Conferencing for Courts, seeking to conduct proceedings by Video Conferencing.

3.2. It is the case of the petitioner that after the demise of her husband, she being a senior citizen, relocated to USA to reside with her son given her age of 71 years and the fact that there were no relatives in India who could provide for a support of in the form of familial care.

3.3. The petitioner is also presently stated to be a green card holder [permanent resident in USA], which places on her certain restrictions on her travel. It is in this backdrop that the interlocutory application [I.A.No.4] was filed by the petitioner on 19.12.2025 seeking to appoint a Court Commissioner for the purpose of recording the petitioner's



evidence through Video Conferencing from the United States of America.

4. It is the case of the petitioner that although the application [I.A.No.4] and Video Conferencing Rules have been placed on record on 19.12.2025 and extensive arguments have been made in the application, the same has not yet been decided.

4.1. The learned counsel for the petitioner submits that the petitioner is a senior citizen and this delay is causing great *prejudice* to her as she is unable to enjoy the fruits of the immovable and movable property bequeathed to her by her late husband.

4.2. The learned counsel, relying on the judgment, submits that since the proceedings before the learned Trial Court are non-adversarial in nature, this Court may pass an order relaxing the applicability of these Rules, more specifically, Rule 5.1, 5.3.1 and Rule 18 of the Video Conferencing Rules, which are extracted below:



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Rule 5.1 – Preparatory Arrangements (Coordinator)

"There shall be a Coordinator both at the Court Point and at the Remote Point from which any Required Person is to be examined or heard. However, Coordinator may be required at the Remote Point only when a witness or a person accused of an offence is to be examined."

XXX

XXX

XXX

Rule 5.3.1 –

Sub Rule	Where the Advocate or Required Person is at the following Remote Point:-	The Remote Point Coordinator shall be:-
5.3.1	Overseas	An official of an Indian Consulate / the relevant Indian Embassy / the relevant High Commission of India.

XXX

XXX

XXX

Rule 18 – Power to Relax

"The High Court may if satisfied that the operation of any Rule is causing undue hardship, by an order dispense with or relax the requirements of that Rule to such extent and subject to such conditions, as may be stipulated to deal with the case in a just and equitable manner."

4.3. The learned counsel for the petitioner has also drawn the attention of the Court to the judgment passed by the Co-ordinate Bench of this Court captioned '**Richa Mishra**



Vs. the State of Karnataka and another¹ wherein, while examining the Video Conferencing Rules, as notified by this Court, the Co-ordinate Bench has laid down certain guidelines for its applicability and has also held that the power to relax any Rule therein, specifically where the deponent is outside the country, vests solely with the High Court.

5. Thus, the learned counsel for the petitioner makes a two-fold contention. Firstly, he submits that a direction may be issued to the learned Trial Court seeking expedition of the proceedings and to decide the petition within a fixed time-frame. Secondly, he submits that the Rule 5.3.1 also be relaxed, given the circumstances of this case.

6. The record reflects that despite public notices issued through publication in 'Kannada Prabha' and 'Indian Express', there were no objectors to the Will. Since the petition remained uncontested, the matter was fixed for

¹ NC:2025:KHC:38100



petitioner's evidence on 18.06.2025. The petitioner has thereafter filed I.A.No.3 under Section 151 of the Code of Civil Procedure read with the provisions of the Rules for Video Conferencing for Courts, seeking permission to depose evidence through Video Conferencing and I.A.No.4 under Section 75 and Order XXVI Rule 5 of the Code of Civil Procedure, 1908 read with the provisions of the Rules for Video Conferencing for Courts, seeking to appoint a Court Commissioner for the purpose of recording the petitioner's evidence through Video Conferencing from the United States of America, before the learned Trial Court.

7. Upon filing of I.A.Nos.3 and 4, after several dates of adjournment, the matter is now listed on 04.07.2026 before the learned Trial Court. The order sheet of the learned Trial Court reflects that the matter has been adjourned for the petitioner's evidence for the last one year.

8. An examination of the record also reflects that the probate proceedings are with respect to a Will dated



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06.05.2024 of the late husband of the petitioner, wherein the petitioner has been named as the Executrix. The deceased who was a permanent resident of Bengaluru died on 29.09.2024. This led to the filing of a petition under Section 276 of the I.S. Act.

9. In addition, as these proceedings are uncontested and the public notice issued by the learned Trial Court did not evoke any response, this Court also deems it apposite to relax the Rule 5.3.1, in exercise of the powers conferred under Rule 18 of the Video Conferencing Rules, and permit the petitioner to record her evidence from her residence in the United States of America. The Requirement of a Co-ordinator at the remote point, as contemplated under Rule 5.1 and the routing of the proceedings through the Embassy under Rule 5.3.1 will be relaxed subject to the following safeguards:

- (i) The petitioner shall file an undertaking before the learned Trial Court that she shall not disconnect or permit any obstruction during the recording of her evidence.



(ii) In the event of any disconnection attributable to her, the entire evidence tendered by her shall stand discarded.

(iii) The Trial Court shall be at liberty to impose any additional safeguards that may be deemed necessary to ensure the fairness and integrity of the proceedings.

10. The petition is accordingly **allowed**. The petitioner is permitted to record her evidence without availing the services of the Indian Embassy, and the rigour of Rule 5.1 read with Rule 5.3.1 of the Video Conferencing Rules, 2020 is relaxed to this extent, subject to the safeguards set out in para 9 above.

11. Given the fact that the matter has been pending for the last one year and without any contest, this Court deems it apposite to direct the learned Trial Court to decide the matter expeditiously and preferably within three months from today.



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12. The petition is ***disposed of*** in the foregoing terms.

All pending application(s) shall stand closed.

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

BMV*

List No.: 1 Sl No.: 18