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

+ **RFA 80/2025**

SHOBHA VERMA AND ANR.

.....Appellants

Through: None

versus

ASHOK KAPOOR

.....Respondent

Through: Mr. Shivam Goel, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **30.01.2025**

[Physical Hearing/Hybrid Hearing (as per request)]

CAV 56/2025

1. In view of appearance of the respondent through counsel in present appeal, the caveat stands discharged.

CM APPL. 5925/2025 (exemption)

2. Allowed, subject to all just exceptions.

RFA 80/2025

3. Some advocate standing in a park with a mobile phone in his hand seeks to appear as counsel for appellants.

4. It has been repeatedly observed in a number of cases that appearance through videoconferencing must be encouraged because it is extremely difficult for advocates to run around the different court complexes in Delhi and the establishment has already incurred substantial expenditure on electronic infrastructure. Further, when an advocate sitting in her/his office



wants to appear through videoconferencing before different court complexes on same day, she/he can assist the courts with convenience and in a better manner. But for that, the counsel has to understand that the decorum of the court must be kept in mind. Quite often, on account of connectivity issues at the end of counsel appearing through videoconferencing the counsel remains inaudible. Often, the video is not switched on. The hybrid courts also are courts only. Even in the daily cause list of this Court, specific directions to maintain decorum while appearing through videoconferencing are circulated everyday. But to no avail.

5. In the course of dictation of this order, the said advocate appearing today has switched off his video. In these circumstances, I am not marking appearance of that Advocate as a counsel in the present case. Although that can call for dismissal of the appeal in default, but doing so would cause harm to the litigant who is not at fault. As such, I have examined the record.

6. The appellants have assailed the judgment (*not the consequent decree*) for recovery of money. According to the case set up before the Trial Court, the present respondent extended a loan of Rs.5,00,000/- by way of cheque to the appellants and since the loan was not paid back, the suit was filed. Before the Trial Court, the appellants admitted having received the cheque of Rs.5,00,000/- but pleaded that the said cheque was towards repayment of loan which had been advanced by the appellants to respondent earlier in cash. *Prima facie*, there is no reliable evidence of the alleged cash loan given by the appellants to the respondent. One also fails to understand as to why a cash loan would be paid back through cheque.

7. Learned counsel for respondent appearing on caveat accepts notice.



8. Relist on 22.07.2025. As requested, it is made clear that there is no stay on operation of the impugned judgment. In any case, the decree having not been challenged, it is the counsel for appellants who has to address on sustainability of this appeal.

9. The Registry is directed to extract paragraphs 3 and 4 of this order and send the same to the Delhi High Court Bar Association as well as Bar Associations of all Districts of Delhi with the request to sensitize the members of the Bar with regard to appearance in hybrid courts.

GIRISH KATHPALIA, J

JANUARY 30, 2025/as

[Click here to check corrigendum, if any](#)