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

+ **W.P. (C) 3227/2020**

ANAND VAID

.....Petitioner

Through: Mr. Ankur Mahindro, Mr. Ankush
Satija and Ms. Sanjoli Mehrotra, Advocates
with petitioner in person

versus

PREETY VAID & ORS.

.....Respondents

Through: Mr. Rohit Kumar Modi, Advocate
for R-1

Mr. Anupam Srivastava, Standing Counsel with
Ms. Mrinalini Sen, Advocate for R-4/GNCTD

Mr. Jaidev Kulesh, Sr.AOJ for R-5/Family
Courts (HQ)

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **28.05.2020**

[VIA VIDEO CONFERENCING]

1. The petitioner, locked in a matrimonial proceeding, for dissolution of marriage with his wife respondent No.1 on the ground of cruelty and adultery with the respondent No.2, before the Family Courts at Delhi and aggrieved from the recording of evidence in the said proceedings being held up on account of prevalent national lockdown in the wake of Covid-19 and the functioning of the court from physical court rooms having

come to a standstill, has filed this petition under Article 226 of the Constitution of India seeking a direction for recording of evidence in the aforesaid proceeding via video conferencing or in such other manner as may be feasible.

2. The petition came up first before a Single Judge of this Court on 21st May, 2020 when the respondent No.1 wife appeared via video conferencing; however the Single Judge being of the view that the matter falls in the roster of the Division Bench of this Court, ordered the matter to be placed before a Division Bench for today.

3. Today, Mr. Rohit Kumar Modi, Advocate appears for the respondent No.1 wife and on enquiry whether he is willing to proceed with the recording of evidence via video conferencing or in any other manner, states that the respondent No.1 is a resident of Sambalpur in Orissa and the respondent No. 1 and he are not willing for recording of evidence any way other than in a physical court room.

4. The counsel for the petitioner, perhaps anticipating the aforesaid stand has also given the petition the colour of a Public Interest Litigation (PIL) and also sought the relief of, direction to all the Family Courts to during the restricted functioning of the courts owing to Covid-19 pandemic, allow recording of evidence via video conferencing, either by the Presiding Judge of the Family Court himself/herself or by issuance of a Commission.

5. The counsel for the petitioner towards that end, has in the petition referred to various circulars issued by this Court during the restricted functioning of the courts across Delhi owing to Covid-19 pandemic and has contended that though not challenging the said circulars/

notifications, he is desirous of supplementing the same through this Court, by a judicial order directing recording of evidence via video conferencing in the matters pending before the Family Courts and which are statutorily required to be disposed of within six months.

6. We appreciate the effort of Mr. Ankur Mahindro, Advocate who, instead of indulging in armchair criticism, has as a member of the Bar taken a constructive step as is indeed expected from the members of the Bar, for exploring the possibilities of better and more efficient functioning of the courts in spite of a large number of prevalent restrictions and in addition to the initiative of the courts themselves.

7. Mr. Mahindro, Advocate for the petitioner, in this respect has also made various suggestions for enlarged functioning of the courts, particularly the Family Courts, in the prevalent times.

8. We may mention that the “Video Conferencing Guidelines issued by the High Court of Delhi: Guidelines for the Conduct of Court Proceedings between Courts and Remote Sites” already appear to be wide enough to take care of the situation as has arisen in the wake of Covid-19. Even if the same are required to be supplemented, keeping in view the prevalent times, the said aspect can be considered in this petition.

9. Counsel for the petitioner has also impleaded as respondents to this petition, besides respondent No.1 wife and respondent No.2 alleged adulterator, this Court, the State of NCT of Delhi and the Family Courts (HQ) as respondents No. 3 to 5.

10. Mr. Anupam Srivastava, Advocate appears for respondent No. 4 State of NCT of Delhi and Mr. Jaidev Kulesh, Sr. AOJ, Family Courts (HQ), appears for respondent No.5 on advance notice and accept notice

of the petition.

11. Let notice be also issued to respondent No. 2 Baljeet Yadav and the High Court of Delhi through Standing Counsel for High Court of Delhi, electronically, who may also come forward with their suggestions for expanding the functioning of the courts in the prevalent times, in spite of restrictions in force, including for the purposes of recording of evidence via video conferencing. We also deem it appropriate to implead various Bar Associations of the District Courts through the Coordination Committee of All District Courts Bar Associations and notice be issued to them also.

12. Since PILs fall in the roster of Hon'ble the Chief Justice, subject to orders of Hon'ble the Chief Justice, list before the appropriate Bench on 4th June, 2020.

RAJIV SAHAI ENDLAW, J.

ASHA MENON, J.

MAY 28, 2020

pkb/s