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

+ W.P.(C) 3227/2020

MR. ANAND VAID

.....Petitioner

Through: Mr. Ankur Mahindro, Mr. Ankush
Satija & Ms. Sanjoli Mehrotra, Advocates

versus

MS. PREETY VAID & ORS.

....Respondents

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

Mr. Anupam Srivastava, ASC for GNCTD with
Mr. Dhairya Gupta, Advocate.

Mr. Ritesh Singh, Registrar and Mr. Manish
Aggarwal, Joint Registrar for High Court of
Delhi.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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04.06.2020

HEARD THROUGH VIDEO CONFERENCING.

1. On the last date of hearing, i.e., on 28.05.2020, the predecessor Bench had noted that the petitioner herein has filed a petition 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 Court, Rohini, North West District and his grievance is against the delay of recording of evidence in the said proceedings, attributable to the lockdown declared by the Central Government and the State Government in the wake of the COVID-19 pandemic, which has resulted in stalling the said proceedings from being conducted in court, physically. By invoking Article 226 of the Constitution of India, the petitioner seeks directions that evidence be recorded by video conferencing or any other feasible manner, including by appointing a Local Commissioner.

2. On the last date, the statement of Mr. R.K. Modi, learned counsel for the respondent No.1 was recorded that his client is a resident of Sambarpur, Odisha and she is unwilling for recording of the evidence through video conferencing.

3. On hearing the aforesaid submission, learned counsel for petitioner had sought directions in the nature of a PIL to all the Family Courts in Delhi, calling upon them to record the evidence via video conferencing, directly or through a Local Commissioner, during the lockdown period.

4. In para 8 of the order dated 28.05.2020, the court took note of the fact that Video conferencing Guidelines issued by the High Court of Delhi – *"Guidelines for the conduct of the court proceedings between Courts and remote sites"* was wide enough to address the situation that had arisen on account of the COVID-19 pandemic, resulting in halting of physical proceedings in court. It was also observed that if some aspects were required to be supplemented, then the same can be considered.

5. Today, Mr. Mahindro, learned counsel for the petitioner submits that not just the petitioner, but many other similarly situated litigants are ready and willing to proceed with their cases through video conferencing but the concerned courts including the Family Courts in Delhi have not explored that option.

6. Mr. Ritesh Singh, Registrar and Mr. Manish Aggarwal, Joint Registrar, High Court of Delhi, who are present in the hearing, refute the said submission and state that the matters are being conducted in District Courts via video conferencing within the limited bandwidth provided. They point out that despite repeated letters addressed by the District and Session Judge (Headquarters), Tis Hazari, Delhi and the Registrar General, High Court of Delhi to the Secretary, (Law and Judicial), Government of NCT of Delhi, for grant of administrative approval and sanction of expenditure for enhancement and upgradation of the

existing lease lines from 34 MBPS to 1 GBPS in each District Court Complex except for Rouse Avenue, no steps have been taken in that direction. It is stated that the most recent reminder issued by the High Court to the Secretary, (Law and Judicial), GNCTD is dated 18.05.2020, wherein it has again been highlighted that video conferencing is an urgent requirement for conducting court proceeding during the lockdown period and necessary sanctions be accorded expeditiously.

7. We have further been informed that a request was addressed to the Delhi Government as long back as on 27.11.2018, for sanction to digitize the records in the District Courts so that more space can be vacated and put to use for other purposes by getting rid of voluminous files, but no positive response has been received so far from the Delhi Government.

8. As Mr. Anupam Srivastava, learned counsel has entered appearance for the GNCTD, Mr. Ritesh Singh, learned Registrar is requested to scan the relevant correspondence and e-mail the same to Mr. Srivastava at the earliest for the GNCTD to file an affidavit indicating *inter alia* the time required for making the necessary provision for upgradation and enhancement of the existing lease lines and for digitization of the court records. The reason for failing to take actions for the past two and a half years on such a critical aspect shall also be explained. The said affidavit shall be filed by a senior officer of the GNCTD on or before 12.06.2020, with a copy furnished to counsel for the petitioner and the remaining respondents.

9. As regards the relief *qua* the petitioner in particular, we have enquired from Mr. Mahindro, learned counsel for the petitioner as to whether any application has been moved by his client before the concerned Family Court for seeking recording of evidence through video conferencing. He states that till date, no application has been moved. We leave it to the petitioner to file an appropriate application before the Family Court for recording of evidence in his

case through video conferencing. The Family Court will take a view in the matter depending on the urgency expressed and the facilities available.

10. List on 16.06.2020.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

JUNE 04, 2020

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