

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

OP(C).No. 33 of 2015 (O)

(I.A.NO.1560/2014 IN OS.NO.244/2013 OF MUNSIFF COURT, KOYILANDY, KOZHIKODE)

PETITIONER :

**SABIRA MEETHALEPEEDIKAYIL,AGED 48 YEARS,
W/O KHADER, MEETHALEPEEDIKAYIL,
NADUVANNUR, KOYILANDY, KOZHIKODE.**

**BY ADVS.SRI.MANJERI SUNDERRAJ
SMT.K.ANILA**

RESPONDENT :

**FASAL,AGED 42 YEARS,
BUSINESS, S/O ABDU, FATHIMA HOUSE,
KOVILKANDY, PANTAHLAYANI, KOYILANDY THALUK.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

OP(C).No. 33 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE PETITION IA 1560 OF 2014 FILED BY THE
 PETITIONER SEEKING TO EXAMINE HER ON COMMISSION
- EXHIBIT P2 TRUE COPY OF THE LATEST TREATMENT RECORDS, PRESCRIPTIONS
 DATED 21-10-2014 AND 29-04-2013 ISSUED FROM BABY MEMORIAL,
 HOSPITAL, TO THE PETITIONER
- EXHIBIT P3 TRUE COPY OF THE IMPUGNED ORDER DATED 16-12-2014 IN I.A NO
 1560 OF 2014

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO.JUDGE

sts

P. BHAVADASAN, J.

O.P.(C) No. 33 of 2015

Dated this the 30th day of January, 2015.

JUDGMENT

When the matter was taken up for hearing today, learned counsel appearing for the petitioner pointed out that he is not insisting that the witness concerned be examined at her house. The only prayer is that she may be examined by a Commissioner. This aspect has not been urged before the court below.

2. After the amendment of the Code of Civil Procedure, examination by Commissioner is an accepted mode of adducing evidence.

In the result, this petition is allowed, the impugned order is set aside and the matter is remanded to the court below to consider the prayer of the petitioner to examine the witness concerned on commission.

sb.

P. BHAVADASAN,
JUDGE