

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.4496 of 2014

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Date:30.03.2015

Between:

Dagadappula Bhaskara Rao

... Petitioner.

AND

Penugonda Malleswara Rao

...Respondent.

The Court made the following :

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

CIVIL REVISION PETITION No.4496 of 2014

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ORDER:

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This revision is preferred against orders dated 10-11-2014 in I.A.No.562/2014 in O.S.No.67/2003 on the file of Principal Junior Civil Judge, Palakol, West Godavari District, whereunder the trial Court dismissed application filed by revision petitioner herein seeking appointment of an Advocate Commissioner for recording the evidence of medical officer.

2. Heard both sides.

3. I have perused the material papers including the impugned order dated 10-11-2014 and other connected papers. The trial Court dismissed the application on the ground that the hospital of the witness is situated very nearer to the Court and the purpose for which, he sought to be examined is not assigned in the affidavit filed in support of the application.

4. As seen from the material, the trial Court has not committed any irregularity or illegality in dismissing the application, because no reasons are stated including the purpose of examining the Doctor with reference to issues involved in the suit.

5. Revisional powers are very limited and only when there is wrong exercise of jurisdiction by the subordinate Courts or when there is illegal exercise of jurisdiction or when there is material irregularity, then only this Court can interfere with the orders of the subordinate Court.

6. Here the learned trial Judge has not committed any error and rightly appreciated the material on record.

As the specific reasons are not assigned in the affidavit filed in

support of the petition for appointment of Commissioner that too for recording evidence of Medical Officer, the Court below dismissed the application, therefore, I do not find any grounds to interfere with the order of the Court below. However, the petitioner is given liberty to approach the Court below by giving proper reasons and the purpose of examining the Medical Officer in which case, the Court below shall consider the same on merits, without being influenced by any of the observations made in this revision.

7. Accordingly, Civil Revision Petition is dismissed.

No costs.

8. As a sequel, miscellaneous petitions, if any, pending in this Civil Revision Petition, shall stand dismissed.

JUSTICE S. RAVI KUMAR

Date:30.03.2015

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