

HON'BLE SRI JUSTICE R.KANTHA RAO
C.R.P.No.5447 of 2015

ORDER

This Civil Revision Petition is directed against the order dated 5.10.2015 passed in I.A.No.1503 of 2015 by the IV Additional District Judge, Kakinada.

The petitioner is the first defendant in the suit. The plaintiff filed suit for partition of the plaint schedule property. In the course of trial, she filed an application to record her evidence at her residence on the ground that she has been suffering from Senile Osteo Arthritis of Knees & Low Back Ache and that she has been advised to take bed rest for three months.

The trial Court while observing that she is resident of Kakinada and her residence is not far away from the Court as well as the hospital where she was taking treatment, dismissed the petition on the ground that the facts and circumstances of the case brought to the notice of the Court by both the parties indicate that the petitioner was in a position to attend the Court and she intentionally filed the petition to protract the litigation. It was further observed that if the petitioner attended the Court, there is every chance to observe her demeanor and thereby the evidence can be appreciated in a proper way.

I do not find any illegality or irregularity in the order passed by the trial Court seeking interference of this Court in exercise of jurisdiction of this Court under Article 227 of the Constitution of India.

Civil Revision Petition is dismissed accordingly.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE R.KANTHA RAO

18th December, 2015
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