

HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

CIVIL REVISION PETITION No.2382 of 2015

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ORDER : (per Hon'ble Sri Justice R.Subhash Reddy)

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the order and decree dated 24.04.2015 in I.A.No.551 of 2013 in un-numbered AAOP.No. of 2013 passed by the Principal District Judge, Srikakulam, dismissing the application filed under Section 27 of the Arbitration and Conciliation Act, 1996 (for brevity "the Act") r/w. Rule 4 of the Arbitration Rules, 2000, seeking to record the cross-examination of R.Ws.6 and 7, namely (1) Andavarapu Bheema Rao; and (2) Koneti Hari Kumar of Srikakulam, and transmit their evidence to the Arbitral Tribunal at Visakhapatnam.

2 . Heard learned counsel for the petitioner and perused the impugned order and the material on record.

3. It is not in dispute that all witnesses were examined before the learned Arbitrator at Visakhapatnam, including the aforesaid two witnesses, namely (1) Andavarapu Bheema Rao; and (2) Koneti Hari Kumar. The present application is filed only for the purpose of cross-examination of the said two witnesses by taking approval of the learned Arbitrator.

4 . It is true that Section 27 of the Act provides for seeking assistance in recording the evidence. But to seek assistance by the parties, there must be a valid reason. Merely because there is a provision under Section 27 of the Act to seek assistance, the same is

not a ground in the absence of valid reasons. Therefore, we do not find any reason to interfere with the impugned order passed by the Court below, exercising jurisdiction under Article 227 of the Constitution of India.

5. For the aforesaid reasons, this civil revision petition is devoid of merits and is accordingly dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, in this revision shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

25.06.2015.

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

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