

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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C.R.P.No.1369 of 2015

Between:

Revuri Vasantha

.. Petitioner

and

Revuri Devaiah and 15 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 03.8.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

C.R.P.No.1369 of 2015

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India questioning the order, dated 12.3.2015, passed in I.A.No.979 of 2014 in O.S.No.51 of 2010 on the file of the Senior Civil Judge at Sircilla, wherein the application filed by the petitioner/plaintiff under Order XXVI Rule 4 read with Order XVIII Rule 4(2) C.P.C. for appointment of an Advocate Commissioner to record her evidence, was dismissed.

2. The above mentioned application came to be filed seeking appointment of an Advocate Commissioner to record evidence of the petitioner as she is unwell due to typhoid and regularly taking treatment in Sri Balaji Clinic, Alkapuri Colony, Hyderabad. It is further stated that the petitioner was advised to take bed rest from 17.10.2014 to 10.11.2014 as she was also suffering with acute gastro-enteritis. It is further averred that the petitioner is unable to walk, do work and also attend the Court on 20.10.2014. It is stated that the petitioner is now residing at P & T Colony, Dilshukhnagar, Hyderabad and as such, it is difficult for her to go over to the Court at Sircilla to give evidence.

3. The said application was opposed by the learned counsel for the respondents stating that the certificates, which are placed before the Court, refer to the sickness of the petitioner during the period October and November, 2014 and that she is hale and healthy now. According to him, no cause survives for adjudication and hence, prays to dismiss the Civil Revision Petition.

4. A perusal of the material placed before this Court would show that the medical certificate, dated 25.11.2014, enclosed to the petition show that the petitioner had an attack of viral fever with polyarthralgia and was advised bed rest from 25.11.2014 to 02.01.2015. It is to be

noted that the dates, which are mentioned in the medical certificate, do not tally with the dates mentioned in the affidavit with regard to the sickness suffered by her. Though the petitioner stated in the petition that it is difficult for her to go to the Court below for giving evidence, the affidavit filed in support of the petition in the lower Court shows that she has sworn to the affidavit at Sircilla. Further, no material is placed before the Court to show that the petitioner is sick even now.

5. Having regard to the facts and circumstances stated above, the request of the petitioner for appointment of an Advocate Commissioner on medical grounds cannot be considered. The Court below rightly passed the impugned order which warrants no interference of this Court. Consequently, the Civil Revision Petition is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this Civil Revision Petition shall stand closed.

JUSTICE C.PRAVEEN KUMAR

Date: 03.8.2015
AMD

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THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

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C.R.P.No.1369 of 2015

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DATE: 03.08.2015

AMD