

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No. 4947 of 2014

ORDER:

Aggrieved by the order dated 07.11.2014 passed in I.A.No.9 of 2014 in O.S.No.113 of 2006 on the file of the II Additional Senior Civil Judge (Fast Track Court), Nandyal, FAC I Additional Senior Civil Judge, Nandyal, the present Civil Revision Petition is filed by the respondents/plaintiffs therein under Article 227 of the Constitution of India.

The facts in issue are as under:

The respondents herein, who are the defendants in the suit, filed a petition under Order 18 Rule 4 read with Order 26 Rule 10 and section 151 of C.P.C. seeking appointment of an Advocate Commissioner to examine D.W.1, record his evidence and mark documents on the ground that D.W.1 was unable to move from the bed due to old age. After hearing both sides, the learned Senior Civil Judge allowed the said petition. Challenging the same the present revision is filed.

Learned counsel for the petitioners submits that copy which has been marked is certified copy of General Power of Attorney, which cannot be taken into account. But the counsel could not place any material to show that the advocate-commissioner marked the certified copy of general power of attorney. Except the oral argument, no material is placed before the Court in support of the plea nor the certified copy of the document alleged to have been marked is placed on record. Having regard to the said circumstance, I see no reason to interfere with the order passed by the learned Senior Civil Judge. Accordingly, the Civil Revision Petition is dismissed. However, the petitioners are at liberty to raise the admissibility of the said document

during the course of trial.

There shall be no order as to costs. Miscellaneous Petition, if any, pending in this Civil Revision Petition, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

23.01.2015.

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