

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

C.R.P. No.720 of 2016

Between:

Mande Ramulu

...

Petitioner

And

Mande Basavamma and others

...

Respondents

JUDGMENT PRONOUNCED ON 19.02.2016

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THE HON'BLE SRI JUSTICE G. CHANDRAIAH

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be
marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? :

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

C.R.P. No.720 of 2016

ORDER:

This revision petition has been filed against the order dated 04.01.2016 passed in I.A. No.581 of 2015 in O.S. No.381 of 2014 by the Senior Civil Judge, Nandigama.

The petitioner and the respondents herein are the plaintiff and the defendants, respectively.

Brief facts of the case are that the plaintiff filed O.S. No.381 of 2014 for partition and separate possession of his share. He also filed I.A. No.581 of 2015 in the said suit under Order XXIV Rule 4-A CPC with a request to appoint an Advocate Commissioner to record his chief examination and cross examination as P.W.1 at his residence situated at Sujatha Nagar village of Kothagudem Mandal, Khammam District. The Court below vide its impugned order dated 04.01.2016 dismissed the said application. Aggrieved by the same, present revision petition has been filed.

The learned counsel for the petitioner submitted that on the ground that the petitioner is an old aged person and he is suffering from ill-health and so, he is not in a position to move from his house filed an application seeking to appoint an Advocate Commissioner to record his evidence as P.W.1. But the Court below without proper appreciation of the application dismissed the same holding that the application is devoid of merits.

As could be seen, on behalf of the respondents, counter was filed denying the averments of the petitioner and also stated that to protract the matter the petitioner filed an application more so, no evidence was adduced to the effect that he is suffering from ill-health. Further, it is also elicited from the record that the petitioner was imposed with fine for not proceeding with the matter when it is posted for his evidence. It is also one of the reasons to dismiss the application that the Court below has no power to appoint an Advocate Commissioner for examination of any person who is not residing within the local limits of jurisdiction of the Court.

In that view of the matter, I do not see any reason to interfere with the

impugned order as it does not suffer from any legal infirmity and therefore, this revision petition is liable to be dismissed. Accordingly, this civil revision petition is dismissed.

As a sequel, miscellaneous petitions, if any, stands closed.

There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

Date: 19.02.2016

LSK