

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CIVIL REVISION PETITION No.1879 OF 2016

ORDER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India being aggrieved by the docket order, dated 09.02.2016, passed in O.S.No.93 of 2010 by the IV Additional District Judge, East Godavari, Kakinada, whereby the learned Judge appointed Advocate Commissioner for recording the evidence of P.W.1.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the Court below erroneously passed the docket order appointing the Advocate Commissioner for recording the evidence of P.W.1 without assigning any reasons and without giving any opportunity to hear the petitioner herein, who is the first defendant in O.S.No.93 of 2010, and as such, he seeks to set aside the docket order.

On perusing the impugned docket order, this Court is of the view that the Court below passed the impugned order without recording any reasons for appointing the Advocate Commissioner for recording the evidence of P.W.1 and as such, the impugned docket order is liable to be set aside.

The impugned docket order is accordingly set aside and Court below is directed to hear the petitioner herein and pass appropriate orders in accordance with law by recording valid reasons.

The civil revision petition is accordingly disposed of.

Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

03.08.2016
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