

**THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**CRP.No.4718 of 2016**

**ORDER :**

This Revision is filed challenging the order dt.10.08.2016 in I.A.No.435 of 2016 in O.S.No.255 of 2009 on the file of Senior Civil Judge, Bhimavaram.

2. The petitioner herein is plaintiff in the said suit.
3. The said suit was filed by petitioner for declaration of title and for perpetual injunction against respondents.
4. During the course of evidence of PW.1 he got marked document Ex.A.6, which is an Advocate-Commissioner's report in I.A.No.2358 of 1989 in I.A.No.1976 of 1987 in O.S.No.127 of 1971 on the file of Principal District Munsif Court, Bhimavaram.
5. O.S.No.127 of 1971 was a partition suit and an Advocate by name Sri P. Chandra Sekhara Rao had been appointed therein to submit a report to the Court.
6. Subsequently, the said Advocate died.
7. The petitioner wanted to examine the son of the Advocate-Commissioner, who filed the said report, as a party-witness to prove the said report and plan submitted by his father in the suit O.S.No.127 of 1971.

**8.** The Court below dismissed the said application stating that the respondents had not denied the fact of filing of the report by Sri P. Chandra Sekhara Rao – Advocate Commissioner; and if the respondents deny that Sri P. Chandra Sekhara Rao had not filed the Commissioner report then the petitioner can examine his son as a witness, and not otherwise.

**9.** It is not in dispute that the petitioner can examine the son of the Advocate-Commissioner to prove whether the signature on his report in the suit O.S.No.127 of 1971 belongs to his father, but he cannot prove the contents thereof by examining the son of the then Advocate-Commissioner.

**10.** Though counsel for petitioner contended that at a later point of time a difficulty may arise if the respondents take a plea that Sri P. Chandra Sekhara Rao had not filed the Commissioner report, since the Court below has already observed that in such an event the petitioner can examine the son of Sri P. Chandra Sekhara Rao, no prejudice is caused to the petitioner in any way by the impugned order.

**11.** Therefore, I do not find any merit in the Civil Revision Petition and it is accordingly dismissed. No order as to costs.

**12.** As a sequel, miscellaneous petitions pending if any in this Civil Revision Petition, shall stand closed.

**JUSTICE M.S.RAMACHANDRA RAO**

Date: 21-10-2016

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