

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.4657 of 2016

ORDER:

The present Civil Revision Petition is filed under Article 227 of the Constitution of India aggrieved by the order dated 26.04.2016 passed in I.A.No.68 of 2016 in I.P.No.43 of 2012 by the Additional Senior Civil Judge, Tirupati, wherein the petition filed by the revision petitioner under Order XXVI Rule 2 of the Code of Civil Procedure seeking appointment of Advocate Commissioner for examination of the petitioner at Ongole was rejected.

Heard and perused the material on record.

The contention urged by the petitioner before the Court below in seeking appointment of Advocate Commissioner for examination of the petitioner was that the petitioner was in hospital and suffering with jaundice. The said contention was rejected by the Court below on the ground that the medical certificate produced by the petitioner shows that the petitioner needs bed rest from 12.03.2016 to 12.04.2016 only and as the said period was completed, the petitioner can appear before the Court and adduce evidence. Challenging the same, present revision is filed.

As seen from the record, the only ground on which the petitioner sought appointment of Advocate Commissioner is her ill-health. Even as per the medical certificate produced by the petitioner, she was advised to take bed rest for a period of one month i.e. from 12.03.2016 to 12.04.2016. That being the position, the question of appointing Advocate Commissioner after

the said period would not arise. Hence, I see no reason to interfere with the finding recorded by the Court below and the present CRP is liable to be dismissed.

Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Consequently, the miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

30.09.2016
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