

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.3439 of 2016

ORDER:

This Revision is filed challenging the order dt.08.06.2016 in I.A.No.405 of 2016 in O.S.No.8 of 2013 of the Senior Civil Judge, Narsapuram.

2. Petitioner is the plaintiff in the above suit. He filed the said suit for recovery of money against the respondents.

3. Respondents filed written statement in the above suit. Thereafter issues were framed and the matter is coming up for evidence of the petitioner.

4. Petitioner then filed I.A.No.405 of 2016 stating that he was suffering from severe Diabetes and hypertension, that he was also suffering from Chickenpox and that he is residing at Ashok Nagar, Hyderabad for the purpose of his business and therefore the Advocate-Commissioner should be appointed to record his evidence at his house in Hyderabad.

5. Counter affidavit was filed by the respondents opposing these contentions. It is pointed out that Diabetes and Blood pressure are common illnesses and they would not come in the way of the petitioner to attend the Court. As regards the disease of Chickenpox, it was pointed out that it would cease in 10 to 15 days and thereafter there is no impediment for the petitioner to attend the Court. It was also pointed out that no medical certificate is filed indicating the illness of the petitioner.

6. Accepting these contentions, the trial Court dismissed I.A.No.405 of 2016 on 08.06.2016.

7. Challenging the same, this Revision is filed.

8. Counsel for the petitioner contended that the petitioner is ill and therefore he cannot be compelled to attend the Court to give evidence.

9. Since the petitioner has not placed any material in support of his plea that the health condition of the petitioner is such that he cannot attend the Court and since admittedly the petitioner himself pleaded that he was residing in Hyderabad for the purpose of his business, I find no error of jurisdiction in the order passed by the Court below.

10. Therefore, this Civil Revision Petition is dismissed. There shall be no order as to costs.

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

M.S.RAMACHANDRA RAO, J

29th July, 2016
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