

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

CIVIL RIVISION PETITION NO.4515 of 2016

ORDER:

The petitioner has come up with the above revision petition challenging an order passed by the trial Court refusing to return the chief affidavit of the GPA holder of the plaintiff.

Heard Mr. P. Prabhakar Rao, learned counsel for the petitioner and Mr. Ch. Dhanamjaya, learned counsel for the respondent.

There is no provision in the Code of Civil Procedure to file an application seeking return of the affidavit filed by a witness in lieu of chief examination. Whatever the petitioner/defendant wants to say with regard to the entitlement of the GPA holder to enter into the witness box can be said by him either in cross-examination or at the time of arguments. If a party to the proceeding seeks to examine only his power agent, it is a chance that the said party takes. The opposite side cannot seek to compel the other side to plug the hole in their evidence. Therefore, the civil revision petition is dismissed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions if any, shall stand closed.

JUSTICE V. RAMASUBRAMANIAN

21st October, 2016
Js.

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Date: 21-10-2016

Js.