

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P.No.504 OF 2016

ORDER:

The plaintiff in O.S. No.56 of 2005 is the revision petitioner. The revision petitioner prayed for appointment of Advocate Commissioner to record chief and cross examination of PW.1. The trial Court rejected the prayer. Hence the CRP.

With the assistance of learned counsel appearing for the petitioner, I have carefully perused the affidavit filed in support of the I.A. No.113 of 2014. I am satisfied firstly the reasons stated in the affidavit do not compel or obligate the trial Court to exercise the discretion for appointment of Advocate Commissioner for recording evidence of PW.1. Secondly, even assuming a few of the averments accepted as true, still it cannot be held that PW.1 cannot attending the Court and give her evidence. This Court prefers recording of evidence in the open Court, but not by Advocate Commissioner. I am in agreement with the reasons recorded by the trial Court. C.R.P. fails and is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date:05.02.2016

Stp