

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.3769 of 2016

ORDER:

The defendant in a suit for recovery of money has come up with the present revision challenging the order passed by the trial Court refusing to summon one of their agents as a witness to depose.

2. Heard Mr. R. Raghunandhan, learned senior counsel appearing for the petitioner and Mr. Kanakamedala Ravindra Kumar, learned senior counsel for the respondent.

3. Even according to the affidavit in support of the application filed under Order 16 Rule 7 of the Code of Civil Procedure, the person whom he wanted to summon was a commission agent. Therefore, it is always open to the petitioner to examine him as a witness on his behalf. It is not possible to request the court to summon one's own witness as a witness, as the same may give an impression as though he is a neutral witness. Therefore, the dismissal of the application was perfectly in order. Hence, the Civil Revision Petition is dismissed.

4. However, considering the fact that the trial of the suit has been delayed due to one interlocutory application or the other, I direct the trial Court to complete the trial and dispose of the

suit within a period of two (2) months from the date of receipt of a copy of the order.

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

V. RAMASUBRAMANIAN, J

Date: 04-11-2016

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