

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

Civil Revision Petition No.2215 of 2016

ORDER :

This Civil Revision Petition is filed against the order, dated 21-01-2016 passed in I.A.No.213 of 2015 in O.S.No.242 of 2010 on the file of the Senior Civil Judge, Parvatipuram Camp Court at Vizianagaram, whereby the learned Senior Civil Judge dismissed the application filed by the petitioner/plaintiff under order 26 Rule 4-A C.P.C. praying to appoint an Advocate Commissioner to record the cross-examination of the petitioner/plaintiff.

The trial court observed that the petitioner/plaintiff is not suffering from any sickness or infirmity to give exemption from attending before the Court, but the petitioner/plaintiff seeks that he should be examined by the Advocate Commissioner as it would be convenient to him, which is not a valid ground for appointment of Advocate Commissioner under Order 26, Rule 1 C.P.C. and dismissed the petition.

Having perused the material on record, this Court is of the view that there are no grounds to appoint an Advocate Commissioner to record the cross examination of the petitioner/plaintiff. The trial Court has properly considered the petition. In the absence of any illegal or incorrect finding, the impugned order does not call for any interference by this court in exercise of the revisional jurisdiction. Therefore, there are no

grounds to interfere with the same.

The Civil Revision Petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the Civil Revision Petition shall stand closed.

M.S.K.JAISWAL, J.

29th April, 2016.

skmr