

HON’BLE SRI JUSTICE SURESH KUMAR KAIT

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C.R.P. No. 1663 of 2016

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DATE: 29.06.2016

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Between:

Alapati Srinivas Kumar

.. Petitioner

And

Alapati Prameel Devi
and two others

.. Respondents

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ORDER:-

This Civil Revision Petition is directed against the order dated 09.02.2016 made in I.A.No. 2532 of 2015 in O.S.No. 285 of 2011 on the file of the Court of II Additional District Judge, Guntur whereby the interlocutory application filed by the respondents-plaintiffs under Order XXVI Rule-1 and Section 151 CPC to appoint an advocate commissioner to record the continuation of cross-examination of PW1 at her residence at Visakhapatnam, was allowed.

It is not in dispute that the 1st respondent - PW1, whose cross-examination was sought to be recorded by appointing an advocate commissioner, was 69 years old and this witness has undergone heart surgery recently. The trial Court recorded that even if she is not suffering from any ill-health, as per Order 18 Rule 4 CPC, cross-examination of a witness can be conducted by appointing an advocate commissioner. It is further recorded that if the witness is examined with the help of advocate commissioner, no prejudice would be caused to the petitioner.

The findings of the trial Court are disputed by the learned counsel for the petitioner.

Be that as it may, Sri V.S.R.Anjaneyulu, learned counsel appearing for respondent Nos.2 and 3, on instructions, has submitted that the 1st respondent-PW1 has expired recently, as such, the matter has become infructuous.

Recording the submission made by the learned counsel for respondent Nos.2 and 3 that PW1 has expired recently, this Civil Revision Petition is dismissed as having become infructuous. No order as to costs.

As a sequel to the dismissal of the Civil Revision Petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

29.06.2016

bcj