

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.R.P.No.3548 of 2016

ORDER:

This Revision is filed challenging the order dt.03.06.2016 in I.A.No.93 of 2016 in O.S.No.67 of 2003 of the Principal Junior Civil Judge, Palakol.

2. Petitioners are plaintiffs in the above suit. The respondent/defendant filed chief-examination affidavit of his brother as DW2. Thereafter he filed application I.A.No.93 of 2016 contending that his brother is completely bedridden on account of spinal cord damage, that he is unable to walk, sit and move from the bed, and he should be examined by an Advocate-Commissioner. He also filed medical certificate issued by a qualified Doctor in Palakol Town in support of the said contention.

3. Though petitioners opposed it, by order dt.03.06.2016, the said I.A. was allowed.

4. Aggrieved by the same, this Revision is filed.

5. After perusing the order passed by the Court below, I am satisfied that evidence on record placed by the respondent/defendant does indicate that DW2 was completely bedridden. The Court below is justified in appointing an Advocate-Commissioner to examine DW2. Therefore, I do not find any merit in this Revision.

6. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand closed.

29th July, 2016
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M.S.RAMACHANDRA RAO, J