

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.99 of 2017

Order:

Aggrieved by the order passed by the Trial Court directing the defendant to appear in person for adducing evidence, the defendant has come up with the present revision.

2. Heard the learned counsel on both sides.

3. In I.A.No.528 of 2016, taken out by the petitioner/defendant, an Advocate Commissioner was appointed to examine her. It appears that there were repeated requests for adjournment. The petitioner also complained that the Advocate Commissioner is acting in favour of the plaintiff. Frustrated at the attitude of the petitioner/defendant, the Trial Court directed the petitioner to appear in person for adducing evidence. Hence, the petitioner is before this Court.

4. Though the learned counsel for the respondent/plaintiff is justified in his objections to the present revision on the ground that after having secured an order for examination through Advocate Commissioner, the petitioner ought not to have dodged the procedure, I am of the considered view that dismissing this revision will not prove to be more beneficial even to the respondent. The question of the Advocate Commissioner acting in favour of the respondent could not have arisen even before the evidence is started. Therefore, the

allegation made against the Advocate Commissioner cannot be accepted at all.

5. Therefore, in the facts and circumstances of the case, the civil revision petition is disposed of directing the Trial Court to issue a fresh Warrant to the same Advocate Commissioner within one week from the date of receipt of a copy of this order. The Advocate Commissioner shall go to the residence of the petitioner/defendant on 13-4-2017 or 17-4-2017 according to his convenience. The petitioner and her counsel should make themselves available on the date so fixed by the Advocate Commissioner and positively complete the examination-in-chief as well as the cross-examination. If at the behest of the petitioner, taking of the evidence of the petitioner could not be completed on the date so fixed by the Advocate Commissioner, the appointment of Advocate Commissioner will stand automatically recalled and the petitioner should thereafter have no alternative except to appear before the Trial Court. The other condition imposed by the Trial Court that the husband of the petitioner should not be present during the examination of the petitioner will continue to be in force. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

24th March, 2017.
Ak

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.99 of 2017



24th March, 2017.
(Ak)