

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA
TRANSFER CIVIL MISCELLANEOUS PETITION No.475 OF 2017

ORDER:

Heard Sri K.V. Subrahmanyam Narusu, learned senior counsel, appearing for Sri K.S.R. Murthy, learned counsel for the petitioners - plaintiffs, and Sri E.V.V.S. Ravi Kumar, learned counsel for respondent Nos.1, 2, 3, 4, 5, 7, and 14.

2. Though, elaborate arguments were tendered and rulings of the Hon'ble Supreme Court in **Krishna Veni Nagam v. Harish Nagam¹**, and **Santhini v. Vijaya Venketesh** [Transfer Petition (Civil) No.1278 of 2016 dated 09.10.2017, Three-Judge Bench] were even referred to, whereby, the decision in **Krishna Veni Nagam¹** was overruled to the extent indicated in paragraph No.56, but, both have been in agreement to examine the proposed witness on Commission at Hyderabad to be appointed by the trial Court from the local Bar Association, but to fix the place as Hyderabad for examination of the witness, and also to exhibit the documents by recording the objections, if any, that would be raised at the time of admission of the documents, which should be left to the decision or findings to be recorded by the learned trial Court after completion of examination of the witnesses. Their joint request is acceded to.

3. The trial Court is directed to appoint Advocate-Commissioner from the local Bar Association and issue warrant

accordingly, and also to fix the Advocate-Commissioner's fee keeping in view, the place of execution of warrant is Hyderabad. The learned trial Court shall fix a date for examination of the witnesses taking into consideration the convenience of the witnesses, parties and the counsel on either side.

4. Accordingly, the present Transfer Civil Miscellaneous Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the transfer civil miscellaneous petition stand disposed of.

October 23, 2017.

PV

A. SHANKAR NARAYANA, J

¹ 2017 (4) SCC 150

