

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CIVIL REVISION PETITION NO.3909 OF 2017

DATED:11-08-2017

Between:

Kalidindi Seethadevi
and others

... Petitioners

And

D.V.S. Rama Krishna Raju
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. M.A.V.S. Bhagavan

COUNSEL FOR THE RESPONDENTS: -



THE COURT MADE THE FOLLOWING:

ORDER:

This civil revision petition arises out of docket order dt.27.4.2017 in E.A. No.63 of 2017 in E.A. No.502 of 2006 in E.P. No.143 of 2003 in O.S. No.482 of 1988 on the file of the II Additional Senior Civil Judge, Visakhapatnam.

I have heard the learned counsel for the petitioners and perused the record.

The petitioners are third party claimants, who filed E.A. No.502 of 2006. Petitioner No.1 has filed her affidavit in lieu of chief examination as P.W.1. She has filed E.A. No.63 of 2017 for appointment of an Advocate Commissioner for recording her cross-examination. In her application, she has pleaded that as she has been suffering from nerves pain for the last two years, she could not attend the Court. The respondents have denied the plea of petitioner No.1 that she was suffering from any ailment. In view of this stiff resistance by respondent No.1 for appointment of an Advocate Commissioner, the Court below has directed petitioner No.1 to file proof of her ailment, but she has not filed any such proof. Therefore, the lower Court has dismissed E.A. No.63 of 2017.

At the hearing, learned counsel for the petitioners did not dispute the fact that except raising the plea that petitioner No.1 is suffering from nerves problem, no proof, such as, medical investigations and prescriptions, has been filed, despite the Court below giving an opportunity to her to adduce such proof. In the facts and circumstances of the case, the Court below has properly exercised its discretion in dismissing the application. Hence, I do not find any reason to interfere with the impugned order of the lower Court.

The civil revision petition is accordingly dismissed.

As a sequel to dismissal of the civil revision petition, C.R.P.M.P. No.5142 of 2017 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

11-08-2017

bnr

