

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

C.R.P.No.4761 of 2014

ORDER

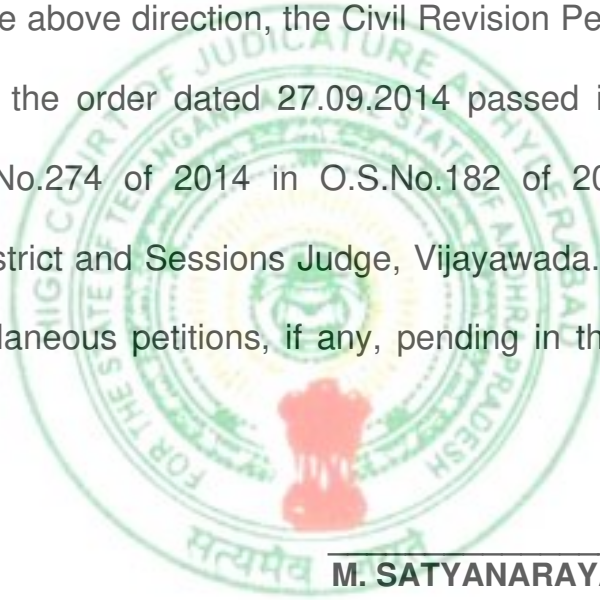
This civil revision petition is filed challenging the order dated 27.09.2014 passed in I.A.No.389 of 2014 in I.A.No.274 of 2014 in O.S.No.182 of 2010 by the VIII Additional District and Sessions Judge, Vijayawada, directing the Commissioner to record evidence of D.W.1 by taking video at the expenses of the petitioner, the first respondent herein, and to note down the demeanor of the witness.

2. The first respondent herein filed I.A.No.274 of 2014 for recording the evidence of D.W.1 by taking video at his expenses. He also filed I.A.No.389 of 2014 for the same relief. The procedure of recording the evidence on video is not prevailing in the State of Andhra Pradesh. But the petitioner insisted for recording such proceedings through video only with an apprehension that there will be any interference in the proceedings and to observe the demeanor of the witness.

3. The Commissioner is a representative of the Court and it is the duty of the Commissioner to record the evidence following the principles and observe the demeanor of the witness. He shall not allow any person to interfere in the process of recording the evidence, but a foreign procedure is sought to be followed by the Commissioner by taking video of entire proceedings and such procedure cannot be permitted to be allowed. But the trial Court

directed the Commissioner to record the evidence of D.W.1 and get the proceedings videographed at the expenses of the first respondent. This observation is contrary to the procedure followed in the Courts. Hence, the finding of the trial Court is illegal and the order passed by the trial Court is liable to be set aside. However, the Commissioner is directed to observe the demeanor of the witness and record his evidence and he shall not allow any interference of third parties while recording the evidence.

4. With the above direction, the Civil Revision Petition is allowed, setting aside the order dated 27.09.2014 passed in I.A.No.389 of 2014 in I.A.No.274 of 2014 in O.S.No.182 of 2010 by the VIII Additional District and Sessions Judge, Vijayawada. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand closed.



M. SATYANARAYANA MURTHY, J

11th July, 2017
sj