

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

C.R.P.No.6581 of 2017

ORDER:

Heard the learned counsel for the petitioner.

2. This Revision Petition is filed by the petitioner assailing the order dt.06-08-2017 in I.A.No.5298 of 2017 in O.S.No.95 of 2004 of the Principal Senior Civil Judge,...

3. Petitioner is the plaintiff in the suit. He filed I.A.No.530 of 2017 to recall him and I.A.No.531 of 2017 to file certain documents. He also filed I.A.No.529 of 2017 for appointment of Advocate Commissioner to examine him and his nature and for marking documents.

4. Though both I.A.Nos.530 and 531 of 2017 were allowed, on the ground that the petitioner did not produce any record to prove that he was unwell and unable to give evidence in the Court, I.A.No.529 of 2017 is dismissed.

5. Assailing the same, this Revision Petition is filed.

6. Learned counsel for the petitioner contends that on 08-08-2017, a medical certificate was issued to the petitioner stating about his illness and therefore this Court ought to set aside the impugned order and remit the matter back to the trial Court to consider the same.

7. However, the learned counsel for the petitioner is unable to state why if his client obtained medical certificate on 08-08-2017 it was not produced before the Court below till it passed orders in I.A.No.529 of 2017 on 06-10-2017. The petitioner is clearly negligent in not produce the Medical Certificate before the Court below though the matter was pending before the said Court for about two months after he obtained the Medical Certificate.

8. Therefore I see no error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

9. Accordingly, the Civil Revision Petition is dismissed at the admission stage. No costs.

10. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 05-12-2017

kvr