

THE HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

CIVIL REVISION PETITION No. 366 of 2018

ORDER:

1) The present Civil Revision Petition is filed under Article 226 of the Constitution of India, aggrieved by the order, dated 07.12.2017, passed in I.A.No.2197 of 2017 in O.S.No.212 of 2015 on the file of the Senior Civil Judge, Pithapuram, wherein an application filed by the plaintiff under Order 18 Rule 4 and Section 151 of Cr.P.C. to examine the petitioner M.Pavan Kumar by way of Skype Technology to prove the execution of power of attorney was rejected.

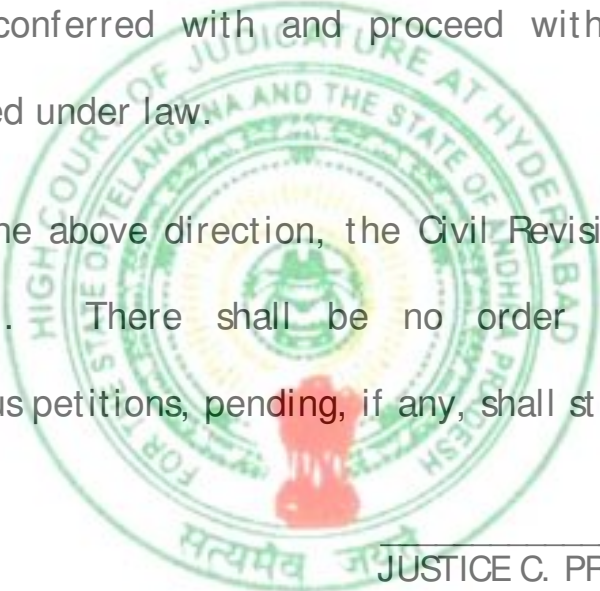
2) Learned counsel for the petitioner would submit that the witness can be examined by way of skype technology under Order 18 Rule 14 of C.P.C., if he provides skype technology in the Court, as per the guidelines issued by the High Court of Andhra Pradesh.

3) Learned counsel for the respondent would submit that the trial Court erred in numbering the suit itself without filing the affidavit of the power of attorney holder.

4) It is to be noted here that the suit which was filed in the year 2015 came to be numbered as O.S.No.212 of 2015. No such objection was raised before the trial Court at the time of numbering the suit.

5) It is to be noted that the G.P.A. holder of the plaintiff was already examined as PW.1 and he was cross-examined by the defendant. The G.P.A. dated 29.06.2015 executed by the plaintiff was already marked as Ex.A1 through the General Power of Attorney Holder of the plaintiff. In view of the above, I see no reasons to interfere with the impugned order, however, the trial Court is directed to consider the evidence of PW.1 and Ex.A1, provided the guidelines issued by the High Court are conferred with and proceed with the suit as contemplated under law.

6) With the above direction, the Civil Revision Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, pending, if any, shall stand closed.



JUSTICE C. PRAVEEN KUMAR

16.03.2018
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