

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition No.799 of 2018

ORDER:

Aggrieved by the First Appellate Court in not accommodating his request, the appellant before the First Appellate Court has come up with the above revision.

2. Heard Mr. S. Satyanarayana Prasad, learned senior counsel appearing for the revision petitioner and Mr. A.P. Venugopal, learned counsel for the respondent.

3. The petitioner is aggrieved by the order of the First Appellate Court refusing to adjourn the matter to 19-02-2018. Strictly speaking, Section 115 of the Code of Civil Procedure cannot be invoked in such cases. Therefore, the invocation of Article 227 of the Constitution of India does not arise at all. This is due to the fact that the parameters for interference under Article 227 are narrower than the parameters for interference under Section 115 of the Code.

4. But nevertheless, the request of some accommodation for a particular date was made by the counsel, on the ground that he wanted to receive his daughter. Therefore, the revision was entertained.

5. Now that the date requested for, namely, 19-02-2018 is only two working days away from today, the Civil Revision Petition is disposed of directing the First Appellate Court to take up the matter on 19-02-2018. It is made clear that the learned senior counsel for the revision petitioner shall not seek adjournment from that date, but he shall proceed with the arguments.

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

V. RAMASUBRAMANIAN, J

Date: 15-02-2018

Note: Issue C.C. today
B.O./Ksn