

THE HON'BLE MS JUSTICE J.UMA DEVI

CIVIL REVISION PETITION No.7453 of 2018

ORDER:

The order impugned arises out of the refusal to grant adjournment sought by the revision petitioner to examine the 1st defendant whom he summoned as a court witness.

It appears from the order impugned that the 1st defendant though appeared before the court on 04.05.2018 as directed in the summons, the revision petitioner instead of examining him, filed an application seeking adjournment to examine him though he was physically present in the court till 4.30 p.m. This was circumstance which made the trial court to refuse his request for an adjournment to examine the court witness.

The petitioner's counsel submitted that this revision petition can be disposed of without issuing any notice to the other side, as the issue involved is trivial.

The conduct of the petitioner in filing of an application seeking adjournment to examine the 1st defendant, who has been summoned by himself, instead of examining him on the day he is asked to appear, has made the court below to reject his request made for adjournment.

Keeping the aforementioned facts in view, I feel it appropriate to dispose of the revision petition with a specific direction to the revision petitioner. The petitioner is directed to make an application afresh to summon the 1st defendant, whom he intends to examine as court witness, on duly depositing Rs.1200/- towards his traveling and other incidental expenditure, within one week, from the date of receipt of a copy of this order. Upon making of such application, the same shall be entertained and be disposed of by the court below, as per law. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

J.UMA DEVI ,J

Date: 21.12.2018
Dsr

