

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.6655 OF 2018

ORDER:

Heard Mr.P.Indra Prakash for petitioner.

The defendant in O.S. No.1512 of 2005 in the Court of II Additional Junior Civil Judge at Warangal, is the revision petitioner.

The petitioner filed I.A. No.458 of 2018 under Order 8, Rule 4 read with Order 26, Rule 4 of Civil Procedure Code for appointment of Advocate Commissioner to record chief and cross examination of petitioner/DW.1.

The case of the petitioner is that she is suffering from several ailments and as such she is not in a position to come to the Court to adduce evidence as DW.1. Therefore, the petitioner seeks appointment of Advocate Commissioner for recording her evidence.

The respondent/plaintiff filed counter affidavit stating that the petitioner is hale and healthy and there is no necessary for appointment of Advocate Commissioner for recording her evidence. Further, it is stated that her evidence in the Court as a witness is crucial for proper and effective adjudication of the matter.

The learned trial Judge, having regard to the facts and circumstances of the case, come to the conclusion that the medical certificate produced by the petitioner is issued by an Eye-Specialist. The petitioner complained that she is suffering from high blood pressure, diabetes etc. For these ailments, the petitioner

ought to have produced the certificate from normal Physician. The learned trial Judge finds that the certificate produced by the petitioner does not appear to be genuine and dismissed the I.A.

I have perused the record and noted the submissions made by the counsel for petitioner.

I am in agreement with the findings recorded by the learned trial judge and therefore, the order impugned in the CRP does not warrant interference by this Court under Article 227 of the Constitution of India. The CRP fails and is accordingly dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 09.11.2018
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S.V. BHATT, J