

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

CIVIL REVISION PETITION No. 6989 of 2018

ORDER:

This Civil Revision Petition is arising out of the order dated 5th day of November, 2018, passed in I.A.No.522 of 2018 in O.S.No. 214 of 2017 by the V Additional District Judge, Nellore.

2. The petitioner is the plaintiff, who has filed a suit for specific performance of agreement of sale. During the trial, the petitioner has filed an application under order XXVI Rule 2 r/w Sec. 151 of C.P.C. for appointment of an Advocate Commissioner to record her evidence at her residence, as she was suffering from ill-health. She filed a Medical Certificate dated 22.10.2018, issued by Dr. Bathula Ravindra Babu, Ravi Orthopaedic Hospital, Kavali, showing that she was suffering from severe lower back ache and advised to take bed rest for 30 days. The Trial Court has dismissed the said application. Aggrieved by the impugned order, the present Revision has been filed on 19.11.2018.

3. Heard the arguments of learned counsel for the petitioner and respondent.

4. The revision petitioner was suffering from ill-health and, therefore, she filed an application before the trial Court seeking to appoint an Advocate Commissioner to record her statement.

5. As seen from the record, the Medical Certificate dated 22.10.2018 filed by the revision petitioner shows that she was suffering from severe lower back-ache and she was advised to take bed rest for 30 days. The said 30 days period expired by 22.11.2018. Since the said period is over, her application for appointment of an Advocate Commissioner became infructuous. If the revision petitioner still requires for appointment of an

Advocate Commissioner for recording her evidence, she may file a fresh application seeking appointment of an Advocate Commissioner. On such application being filed by the revision petitioner, the trial Court may consider the same and pass appropriate orders in accordance with law.

6. With these observations, the Civil Revision Petition is dismissed. No order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

Date: 06.12.2018

JR



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