

ORDER ON I A No.II

The counsel for respondent No.1 filed I A No.II under S 151 of CPC seeking to call for records in MVC No 6628/2010. In the application, it is contended that the petitioner has taken contention regarding non-service of summons in MVC 66208/2010 and in order to ascertain the said aspect and to cross examine the petition on the said aspect, records of claim petition is necessary. On the said grounds, respondent No.1 sought to allow the application.

2. The counsel for petitioner submitted no objection to the application.

3. Heard counsel for petitioner and opponent. Perused the materials on record.

4. The petitioner filed the present petition seeking

restoration of claim petition filed in MVC 6628/2010. The matter is posted for cross examination of PW.1 and counsel for respondent No.1 filed the present application seeking to call for records of claim petition on the ground that the records are required for cross examination of witness as the witness taken the contention of non-service of notice. The petitioner has taken the contention about non-service of notice in the claim petition. In order to ascertain the aspect of non-service of notice, the records of claim petition appear just and necessary. The respondent No.1 intends to cross examine the witness on the basis of records of claim petition. The counsel for petitioner also submitted no objection to the application. The records of claim petition appear just and necessary

for proper adjudication of present petition. The records need to be called in order to meet the ends for justice and to enable respondent No.1 to substantiate his contentions. The respondent No.1 made out grounds to allow the application. On consideration of above stated aspects and the materials on record, this Tribunal deems it appropriate to pass the following:

O R D E R

I A No.II filed by respondent No.1 under S 151 of CPC is hereby allowed.

Office is directed to put up records of MVC 6628/2010 along with records of present petition on the next date of hearing.

For cross of PW.1

Call on 20.08.2025.

1st Addl. Judge & ACJM