

## **ORDER ON I.A. No.XII**

1. The instant application has been filed by the learned Counsel for the respondent no.2 under Order 11 Rule 14 r/w Sec.151 of CPC to direct the petitioner to produce the salary certificate as she has joined the service in the forest department as SDA.

2. The learned Counsel for the petitioner has filed statement of objections to the said application.

3. I have heard the learned Counsel for the respondent no.2 and the learned Counsel for the petitioner.

4. After perusal of the records of the case, the following point would emerge for my consideration:

1) Whether the application filed by the respondent no.2 is deserves to be allowed?

2) To what order?

5. My findings to the above points are as under:

Point No.1: In the Affirmative.

Point No.2: As per final order for the following:

### **REASONS**

6. **Point No.1:** In a memo of facts appended to the application, it is stated by the learned counsel for the respondent no.2 that at the time of the death the deceased was serving as Forest Guard at

Gajanuru forest office in Shivamogga district and P.W.2 has deposed that the petitioner has joined service on compassionate ground in the forest department for which it is necessary to issue direction to the petitioner to produce pay slip regarding the salary of her and accordingly, among other grounds prays to allow the application.

7. The learned Counsel for the petitioner has filed his statement of objections and he has contended that the application is not maintainable in the eye of law or on facts of the case. He has further contended that the petitioner is working in Forest department, Hunagund as SDA and the pay slip of the petitioner is not relevant to dispose of the instant petition and accordingly, among other grounds prays to reject the application.

8. In view of the rival contentions put forth by the learned counsel for the respondent no.2 and the petitioner, now, let me see as to whether application filed by the respondent no.2 is deserves to be allowed or not. It is pertinent to note that the learned Counsel for the respondent no.2 has produced the citation reported in Civil Appeal No.4216 of 2008 in which the Hon'ble Apex court has held that the benefits which the claimant receives on account of the death or injury have to be duly considered while fixing the compensation. Hence, it is necessary to consider the benefits which the petitioner receives on account of the death of her husband and for which the salary slip of the petitioner is very much necessary to

decide the petition. Hence, it is necessary to issue direction to the petitioner to produce the pay slip of her. Accordingly, I answer this point in the Affirmative.

9. **Point No.2**: In view of my discussion made supra, I proceed to pass the following:

**ORDER**

I.A. No.XII filed by the learned Counsel for the respondent no.2 under Order XI Rule 14 of CPC r/w Sec.151 of CPC is hereby allowed.

The petitioner is hereby directed to produce the pay slip regarding the salary of her before the court.

There is no order as to costs.

**(Hanamantarao R.Kulkarni)**  
**Senior Civil Judge & JMFC.,**  
**Hunagund.**