

Pw-1 present, respondents absent, learned counsel appearing for the petitioner present, no representation for the respondents. sufficient opportunity given to the respondents, hence taken as nil.

IA No.5 has already been filed learned counsel appearing for the petitioner, Heard as there is no need to call for objection to resist this IA . It is allowed, the list of witness is taken on record.

ORDERS

Sri. LKS Advocate for the petitioner has filed IA No.3 U/o.16 Rule 1 and 2 CPC praying to issue summons to witness, the witness shown in the schedule is Dr. Manjunath an Orthopedic Surgeon of Holalkere.

Heard, perused, the IA has to be allowed, and at the same time it appears to the Court that, it is proper to get the evidence of this witness recorded through Court commissioner U/o 18 R 4 (2) CPC as shown in the petition schedule and witness list annexed thereto

In this claim petition filed by the petitioner seeking compensation for the injuries sustained arising out of the road traffic accident U/s 166 of MV Act. it is necessary to record the evidence of the doctor.

There is no objection to the by the other side.

Heard, perused the materials placed on record.

As contemplated U/o 18 R 4 (2) , the evidence of witnesses shall be taken either by the Court or by the Commissioner appointed by it. For this reason also, the issuance of commission warrant is necessary, accordingly, I proceed to pass the following:-

ORDER

U/o.18 R 4(2) CPC Sri. DL advocate from the panel of the TLSC, Holalkere is hereby appointed

on consensus of both counsels as commissioner to record evidence of witnesses in the address shown in the petition schedule. And also authorized to receive the documents from the witness during recording of evidence.

The commissioner fee is tentatively fixed Rs. 1,000/-, it shall be paid by the petitioner, it shall form the cost of the proceedings.

Office to issue commission warrant, for further petitioner evidence awaiting report of commissioner.

Call on: 02-05-2022.

*(Saravanan S)
Senior Civil Judge and JMFC.,
Holalkere.*