

::ORDER::

The petitioner filed an application U/sec.311 of Cr.PC at the stage of steps seeking to pass an order directing the Executive Engineer O and M Division, HESCOM, Haveri to submit Salary certificate of Respondent.

2. It is further stated in the application that, the complaint filed by the petitioner respondent on 22.11.2018 in PCR 175/2018 was register in CC 12/2019 by this Hon'ble Court and the petitioner, respondent have compromised the said case and the respondent agreed to pay the sum of Rs.2,90,000/- to the complainant by giving the cheque bearing No.367596 of SBI-Shiggov Branch, and the said cheque is returned without payment to the petitioner on 22.02.2024 and the respondent violated the terms, conditions of the joint memo filed in CC 12/2019 before this Hon'ble Court and hence the petitioner filed the above said petition to recover the sum of Rs.5,80,000/- with interest at Rs.18% PA from 20.02.2024 till payment. The petitioner also produced the photo copy of the salary certificate of the respondent dated 04.09.2022 for the month of June-2023 issued by the chief accountant of the O & M Division, HESCOM, Haveri. The petitioner is entitled for attachment of salary of the respondent for the month claimed by him in the main petition and for that purpose the original salary certificate of the respondent is required for the latest month of September-2024. The

salary drawing officer of the respondent is the executive Engineer, O & M Division, HESCOM-Haveri and the said authority is having the right to issue the salary certificate of the respondent and the said salary certificate is required to be summoned from the said office to this Hon'ble Court and prays to allow the application.

3. On the other hand, the respondent has not chosen to file objection to application even after sufficient opportunities. Hence, the objection is taken as nil.

4. Perused. Heard counsel for the petitioner.

5. That on perusal of entire records, the complaint filed by the petitioner respondent on 22.11.2018 in PCR 175/2018 was register in CC 12/2019 by this Hon'ble Court and the petitioner, respondent have compromised the said case and the respondent agreed to pay the sum of Rs.2,90,000/- to the complainant by giving the cheque bearing No.367596 of SBI-Shiggov Branch, and the said cheque is returned without payment to the petitioner on 22.02.2024 and the respondent violated the terms, conditions of the joint memo filed in CC 12/2019 before this Hon'ble Court and hence the petitioner filed the above said petition to recover the sum of Rs.5,80,000/-. In spite of sufficient opportunities the respondent did not paid the settled amount to the petitioner. The respondent is working as a Junior Assistant, O & M Sub Division, HESCOM, Shiggov Town, Shiggov Taluk, Haveri District. Hence, it is necessary to summon the document sought by the petitioner. Accordingly, this Court proceed to pass the following;

ORDER

Application filed by the petitioner under section 311 of Cr.P.C., is hereby allowed.

Issue summons to the Executive Engineer, O & M Division, HESCOM Haveri to produce salary particulars of respondent for the month of September-2024.

Call on 21.01.2024

Sd/-

(Jyoti Ashok Pattar)
I Addl. Civil Judge & JMFC,
Harihar.