

Case called out.

Both parties absent.

No representation from either side.

**ORDERS PASSED ON IA No.VIII FILED BY THE
PETITIONER UNDER ORDER 26 Rule 1 R/w Section
151 OF CODE OF CIVIL PROCEDURE**

Counsel for the Petitioner filed this IA under Order 26 Rule 1 R/W 151 of CPC and prays to Appoint any advocate of Puttur Bar Association as court commissioner to record the evidence of the Doctor by name Sri. Shridhar Shetty, Consultant Orthopedic Surgeon, City Hospital Research & Diagnostic Centre, Kadri, Mangalore.

2. In support of the IA, Counsel for the Petitioner filed memo of facts and stated that the above petition is filed to claim compensation for the injury caused in an road Accident. The petitioner due to the impact of the Accident was suffering from permanent disability, hence it becomes necessary to examine the treated doctors to know about the treatment given, injury details and about disability. It is stated that the doctor who treated the petitioner is a surgeon by profession, his presence in the hospital is needed to meet the emergency of the patient, hence it becomes necessary to appoint any advocate of bar as court commissioner to record the evidence. Thus prays to allow the IA and grant the relief as prayed for.

3. Counsel for the contesting Respondent orally objected to the IA filed by the Petitioner. Heard Counsel for both parties. Perused the records. Petitioner intends to examine the Doctor who treated the petitioner in order to establish the disability which caused to the petitioner in the accident. As per the submission of Counsel for the Petitioner the Doctor who treated the petitioner is a surgeon and he is busy in his work, as such he could not able to appear before this Court to give evidence. By taking note of non filing of the written objections by the Respondent No.2, taking note of busy work schedule of the Doctor, and his presence in the Hospital required to meet the requirements of the needy patients, this Court opines that it is essential to permit the petitioner to examine the Doctor as mentioned in the IA

through the Court Commissioner. Hence I proceed to pass the following.,

: ORDER :

IA No.VIII filed by the Petitioner under Order 26 rule 1 R/W 151 of CPC is allowed.

Court Commissioner is appointed to record the evidence of the Doctor as mentioned in the IA.

Court Commissioner's fee is fixed at Rs.2,000/- and the same has to be paid by the Petitioner.

Counsel for the Petitioner is directed to suggest the name of the Court Commissioner.

Call On: 06-04-2026.

I ASCJ & JMFC
PUTTUR