

Order on IA

The Advocate for petitioner has filed this application U/O. 16 R. 1 and 2 of CPC to call for the documents from respondent No.2 office on the ground that, the documents are helpful to determine the rights of the parties in question. Thereafter, call for the records from respondent No.2 office as sought in the application.

The Advocate for respondent No.2 filed objection contending that, the application filed by the Advocate for petitioner is not maintainable either in law or facts. The petitioner has filed this application only to prolong the case. The claimant has to prove the death is occurred during the course of employment and employee and employer relationship. These are the facts established by the petitioner. The proposed documents purely with regard to vehicle damage claim not under employee compensation Act. The damage claim and third party and employee compensation claim are entirely different. Therefore, prays to reject the application.

Heard. Perused records.

This claim petition is filed by the petitioner U/Sec. 22 of Employees Compensation Act on account of death of Sri. Nagaraj Jadhav during course of employment. The proposed documents sought by the petitioner is with regard to vehicle damages. The petitioner has to prove the deceased was died during the course of employment and employee employer

relationship. The petitioner has to prove independently without taking weakness of the respondent. Already the evidence of petitioner is completed. When the case posted for evidence of RW.1, the Advocate for petitioner filed this application. Moreover, the petitioner has not approached respondent No.2 office to obtain the documents as sought in the application. Without making any efforts he has filed this application. Therefore, the petitioner has not made out grounds to allow the application. Hence, I proceed to pass the following;

ORDER

The application filed by Advocate for petitioner U/O 16 R. 1 and 2 of CPC is hereby rejected.

Sd/-

Pr. SCJ, Hubballi.