

ORDER ON IA

The Advocate for respondent No. 2 has filed application U/O. 16 R. 6 of CPC praying this Court to issue witness summons to Tosif S/o Gousmuddin Bavannavar, Kurbur Oni, Hirehonnihalli, Kalaghatagi Taluk the alleged driver of Goods vehicle bearing No. KA-25/AB-7728 to give evidence.

Along with application the Advocate for respondent No.2 filed memo of facts stating that, the respondent No.2 Insurance Company has taken specific contention that, the goods vehicle bearing No. KA-25/AB-7728 was not involved in the accident. The accident is occurred due to negligence of deceased Mahaboobsab S/o Lalsab Mulla. The police have filed charge-sheet against the driver of goods vehicle. Therefore, the driver of offending vehicle is necessary.

The petitioner has filed objection stating that, the application filed by respondent No.2 is not maintainable. The respondent No.2 only to drag on the matter filed the application. The entire charge-sheet is against respondent No.2 insured vehicle. Therefore, prays to reject the application.

Heard. Perused records.

The claimant has filed this claim petition U/Sec. 166 of MV Act claiming compensation on account of Mahaboobsab Mulla in the RTA dated 15.04.2024. The respondent No.2 disputed the involvement of

insured vehicle. The respondent having right to summon through witness to prove their case. Therefore an opportunity has been given to respondent No.2 to prove their case. Hence, I proceed to pass the following;

ORDER

The application filed by advocate for respondent No. 2 U/O. 16 Rule 6 of C.P.C. is hereby allowed.

Issue witness summons.

Call on 07.03.2026.

Sd/-

Prl. Senior Civil Judge, Hubballi.