

ORDER

The applicant/petitioner has filed application under Order 16 Rule 6 of CPC., seeking summoning the original ration card from Fair Price Shop, Mathighatta.

2) In the affidavit, it is stated that, the petitioners have filed petition seeking compensation towards injury sustained by them in a motor vehicle accident.

3) On the other hand respondents contended that deceased child is not at all related to petitioners. Hence petitioner was advised to submit the document to show that the deceased is her daughter. As such they have also produced a true copy of the ration card as her daughter has passed away. The ration card including her was issued to them in the year 2006 as subsequently her name was deleted in the said ration card. Hence, filed instant application in order to substantiate the claim of petitioners.

4) On the contrary objection is filed by respondent No.2 and submitted that, the present application is highly belated stage of proceedings is nothing but abuse of process of the tribunal. The petitioner has already completed her evidence. After closure of evidence the matter was posted for final argument and petitioners cannot be permitted to reopen the case by seeking to summon additional documents. Hence, prayed to dismiss the application.

5) Heard the arguments of counsel for petitioners and respondent.

6) The points that arise for my consideration are :

1. Whether is it just and necessary summoning the document for the purpose of determining the real question in controversy between the parties ?

2. What order?

7) My findings on the above points are as under:

Point No.1: In Affirmative

Point No.2: As per final order,
for the following:

:-REASONS:-

8) **Point No.1:** The petitioners have filed instant petition for seeking compensation towards injury sustained by them in a motor vehicle accident.

9) On the other hand the respondents contended that deceased child is not at all related to petitioners, hence to prove that deceased is daughter of petitioner No.1, the instant application is filed. At this juncture Order 16 Rule 6 reads as under;

"Order 16 Rule 6 titled Summons to produce document," allows a court to summon any person to produce a document without requiring their personal attendance to give evidence. This provision ensures documents are produced efficiently without unnecessary inconvenience to the document holder.

Key Aspects of Order 16 Rule 6 CPC:

- ***Production without Appearance:***
The person summoned solely to produce a document complies with the summons if they cause the document to be produced, rather than appearing in person.
- ***Purpose:*** *It is used to get crucial evidence or records before the court without requiring the custodian (e.g., a bank official, public officer) to spend the entire day in court.*

10) The application disclose fact of bonafide reason. It helps the court to adjudicate the case for the relief which is sought in petition. Hence, IA is maintainable in all probabilities of the case. The summoning of document will help the court to give fair decision in the petition. If application is not allowed it would lead to multiplicity of proceedings. The contention of petitioners at this juncture is acceptable. Hence, it is necessary to allow the application. Hence, I hold **Point No.1 is in Affirmative.**

11) **Point No.2:** In view of the discussion made in answering Point No.1, I proceed to pass the following:

ORDER

Application which is filed by the petitioners under Order 16 Rule 6 of CPC., seeking summoning the original ration card from Fair Price Shop, Mathighatta is hereby allowed.

Prl. Senior Civil Judge and JMFC
Channarayapatna

Office is directed to call for
original ration card
No.CRP40184356 from
department of Food and Civil
Supplies, Channarayapatna.

Prl. Senior Civil Judge and JMFC
Channarayapatna