

The respondents called out absent. Objection to IA No.VI U/o 26 Rule 1 and 4 R/W 151 of CPC taken as nil. Hearing heard.

For orders.

Order on IA No.VI filed under Order 26 Rule 1 and 4 of Civil Procedure Code.

1. The petitioner filed interim application under Order 26 Rule 1 and 4 of CPC praying to appoint Advocate Bar Association Chincholi as Court Commissioner to record the evidence of Dr. Sri. Ravi E Shivaraya Orthopedic Surgeon who has issued the disability certificate of the petitioner. The applications are accompanied with affidavit sworn by the petitioner stating that said Doctor is residing at Kalaburagi and running hospital. It is inconvenient for the doctor to appear before the court to give evidence. Hence the petitioner prayed to allow the interim applications.

2. Learned counsel for the respondent has not submitted objections to the interim applications.

3. Heard and perused the materials on record.

4. **On the basis of materials on record, the following points arise for consideration:**

1. Whether the petitioner has made out reasonable grounds to allow the applications?
2. What Order?

5. **My Answers to the above points are as under:**

1. Point No:1: In affirmative
2. Point No:2: As for final Order for following reasons.

: REASONS :

6. The petitioner has filed this petition seeking compensation for the injuries caused to him in the accident. The petitioner has adduced his evidence and he has filed applications seeking appointment of Court Commissioner for recording evidence of doctor who has issued disability certificate of the petitioner. In the affidavit, the petitioner has sworn that it is inconvenient for the doctor to appear before this court to give evidence as he is running hospital in Gulbarga. On Perusal of entire materials on record, it shows that it is necessary to give opportunity to the petitioner to adduce his additional evidence in support of his case. Therefore in the interest of justice and equity the interim application are

necessary to be allowed. Thus I answer point No1 in the affirmative.

7. In view of findings on point No.1, I proceed to pass the following:

: ORDER :

The interim applications filed by the petitioner under Order 26 Rule 1 and 4 of CPC is hereby allowed.

An Advocate Bar Association Chincholi is hereby appointed as Court Commissioner to record the evidence of Dr. Sri. Ravi E Shivaraya Orthopedic Surgeon and submit the report.

The Commission fee is fixed for Rs.1000/- to be deposited by the petitioner.

For suggest in the Name of Advocate.

Call on: 10-01-2026.

**Senior Civil Judge & JMFC.,
Chincholi.**