

**Order on IA No.VI filed under Order 16 Rule 1(2) of
Civil Procedure Code.**

1. The respondent No.2 filed interim application under Order 16 Rule 1(2) CPC praying to issue summons to Regional Transport Officer, Bidar to produce extract of the RC of Tractor bearing No.KA 38/T-4737 and give evidence in the interest of justice and equity.

2. In the memo of facts it is stated that as per the RC and policy the tractor was registered as agriculture purpose use and the respondent No.1 was used Tractor bearing No.KA 38/T-4737 commercial purpose by attaching Borewell repair Machine to the Tractor as per police documents and deceased was dashed has Motor Cycle to Borewell repair Machine.

It is necessary to clarify and confirm whether that on the date of accident the respondent No.1 was taken permission to attach Borewell repair machine to the alleged Tractor. The same can be proved by summoning RC issuing authority who had issued the RC by giving evidence before the Hon'ble court otherwise the case of the deponent will be prejudiced.

Hence the respondent prayed to allow the interim applications.

3. Learned counsel for the petitioner submits no objections.

4. Heard and perused the materials on record.

5. The petitioner has filed this petition seeking compensation for the injuries caused to him in the accident. The specific contention of the respondent No.2 is that as per the RC and policy the tractor was registered as agriculture purpose use and the respondent No.1 was used Tractor bearing No.KA 38/T-4737 commercial purpose by attaching Borewell repair Machine to the Tractor as per police documents and deceased was dashed has Motor Cycle to Borewell repair Machine. It is stated that is

necessary to clarify and confirm whether that on the date of accident the respondent No.1 was taken permission to attach Borewell repair machine to the alleged Tractor. On Perusal of entire materials on record, it shows that it is necessary to give opportunity to the respondent No.2 to adduce his additional evidence in support of his defense. Therefore in the interest of justice and equity the interim application is necessary to be allowed. I proceed to pass the following:

: ORDER :

The interim application filed by the respondent No.2 under Order 16 Rule 1(2) is hereby allowed.

Issue witness summons to Regional Transport Officer, Bidar to produce extract of the RC of Tractor bearing No.KA 38/T-4737 and give evidence.

Call on:07-02-2025.

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