

**Order on IA No.II 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 Sri. Rajshaker V. Haligodi CPI investigation officer Sedam Circle police station to give evidence in crime No.55/2021 of Sedam Police station in the interest of justice and equity.

2. In the memo of facts it is stated that as per the complaint the One Mohammad Gous Patel was riding the motor cycle bearing No.KA 32 EZ3116 and FIR is registered against the same person but in the charge sheet the name of rider is mentioned as Mahabub S/o Yakubsab Baliger but there is no further statement. Hence the respondent sought for summoning the Sri. Rajshaker V. Haligodi CPI investigation officer

Sedam Circle police Sri. Rajshaker V. Haligodi CPI investigation officer Sedam Circle police. 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. **On the basis of materials on record, the following points**

arise for consideration:

1. Whether the respondent No.2 has made out reasonable grounds to allow the application?
2. What Order?

6. **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 :

7. 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 complaint the One Mohammad Gous Patel was riding the motor cycle bearing No.KA 32 EZ3116 and FIR is registered against the same person but in the charge sheet the name of

rider is mentioned as Mahabub S/o Yakubsab Baliger but there is no further statement. 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. Thus I answer point No1 in the affirmative.

8. In view of findings on point No.1, 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 Sri. Rajshaker V. Haligodi CPI investigation officer Sedam Circle police station to give evidence in crime No.54/2021 of Sedam Police station to give evidence.

Call on:09-08-2024.

Senior Civil Judge & JMFC.,

Order
MVC No.1154/2021

Chincholi.