

**Order on IA No.I 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 Summons to Primary Health center Kamalapur to produce the entire case file, MLC and register of deceased Adashkumar S/o Nathoram Rathod date 09-12-2022 to give evidence in the interest of justice and equity.

2. In the memo of facts it is stated that as per the claim petition, the deceased met with accident on 09-12-2022 and same on the same date case is registered and typed complaint is given by father of the deceased but the petitioners have not produced MLC which is necessary to prove the accident. The respondent sought for summoning the documents and to give evidence. Hence the respondent prayed to allow the interim applications.

3. Learned counsel for the petitioner has filed objections contending that application is not maintainable as MLC is not necessary. Thus he sought for dismissal of the application.

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 petitioners have filed this petition seeking compensation for the death of deceased in the accident. The specific contention of the respondent No.2 is that the deceased met with accident on 09-12-2022 and same on the same date case is registered and typed complaint is given by father of the deceased but the petitioners have not produced MLC which is necessary to prove the accident. hence it is necessary to summon the documents. 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 No.1 filed by the respondent No.2 under Order 16 Rule 1(2) is hereby allowed.

Issue witness summons to Primary Health center Kamalapur to produce the entire case file, MLC and register of deceased Adashkumar S/o Nathoram rathod date 09-12-2022 to give evidence.

Call on:28-02-2025.

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