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 respondent No.1 to produce the policy of vehicle bearing No.MH43 U-7404 and payment details while taking the policy in the interest of justice and equity.

2. Learned counsel for the petitioner submitted no objection.

3. Heard and perused the materials on record.

4. 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 police documents, on the date of accident the vehicle bearing No.MH43 U-7404 has caused the accident. The respondent No.1 while taking the policy to the vehicle bearing No.MH43 U-7404, has given cheque No. 00008 dated:10-02-2022 of bank of Baroda Atpadi Dist. Sangli Branch of Rs.51,935/-. The respondent No.2 has submitted the cheque to the account and there after the ICICI Bank Sangli issued a memo stating as funds insufficient and there after the policy is canceled. The respondent No.1 is the legal possessor of the vehicle and he is the right person to produce the

documents. On Perusal of entire materials on record, it shows that it is necessary to give opportunity to the respondent No.2 to prove their case. The validity of the policy is important for adjudication of the case. Therefore in the interest of justice and equity the interim application is necessary to be allowed. Thus I answer point No1 in the affirmative.

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

: **O R D E R** :

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

Issue   issue summons to   respondent No.1 to produce the policy of vehicle bearing No.MH43 U-7404 and payment details while taking the policy.

Call on:19-07-2024.

Senior Civil Judge & JMFC.,
Chincholi.