

**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 Community Health Center Chittaguppa Tq. Humanabad Dist. Bidar to produce the entire case file, MLC and Register of petitioner Sakkubai w/o Babu she is taken the treatment in your hospital on 14-08-2020 MLC No.127 and 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 petitioner sustained injuries on 14-08-2020, but complaint is registered on 25-09-2020 and there is delay of 41 days to register the case. As there is delay in registering the case the MLC is very necessary. The applicant has failed to submit the MLC or any other document. Hence the respondent sought for summoning the hospital to produce documents as sought. Hence the respondent prayed to allow the interim applications.

3. Learned counsel for the petitioner has filed objections contending that application is not maintainable , the petitioner is already examined and case is posted for respondent evidence. 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 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 the petitioner sustained injuries on on 14-08-2020, but complaint is registered on 25-09-2020 and there is delay of 41 days to register the case. As there is delay in registering the case the MLC is very necessary. The applicant has failed to submit the MLC or any other document. 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 Community Health Center Chittaguppa Tq. Humanabad Dist. Bidar to produce the entire case file, MLC and Register of petitioner Sakkubai w/o Babu she is taken the treatment in your hospital on 14-08-2020 MLC No.127 and to give evidence.

Call on:19-07-2024.

**Senior Civil Judge & JMFC.,**

**Chincholi.**