

**Order on IA No.V 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 Rajashekar PSI investigation officer Chincholi Police station to give evidence in Cr. No.108/2020 of Chincholi Police station 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 but complaint is registered after delay of 41 days. The reason for delay is not shown by the investigation officer. As there is delay in registering the case, the respondent sought for summoning the investigation officer 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, the petitioner is already examined and case is posted for respondent evidence. It is contended that already the evidence of doctor is completed. 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 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 14-08-2020 but complaint is registered after delay of 41 days. As there is delay in registering the case, hence it is necessary to summon the investigation officer to give his evidence. 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 Rajashekar PSI investigation officer Chincholi Police station to give evidence in Cr. No.108/2020 of Chincholi Police station

Call on:31-01-2025.

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