

**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 RTO Kalaburagi to produce the permit certificate of offending vehicle bearing Registration No.KA 32 AA 3928 as on 27-09-2023 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 suffered accident on 27-09-2023 and case was registered against driver by name Pravinkumar S/o Mankrao. The owner of the vehicle has violated the MV rules by plying the vehicle without permit. Hence the respondent sought for summoning the RTO Kalaburagi to produce the permit certificate of offending vehicle bearing Registration No.KA 32 AA 3928 as on 27-09-2023 to give evidence.

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 the respondent No.2 has not taken defence about the permit. 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 death. The specific contention of the respondent No.2 is that the deceased suffered accident on 27-09-2023 and case was registered against driver by name Pravinkumar S/o Mankrao. The owner of the

vehicle has violated the MV rules by plying the vehicle without permit. As respondent has challenged the permit of the offending vehicle hence it is necessary to summon the the RTO Kalaburagi to produce the permit certificate of offending vehicle bearing Registration No.KA 32 AA 3928 as on 27-09-2023 to give 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 the RTO Kalaburagi to produce the permit certificate of offending vehicle bearing Registration No.KA 32 AA 3928 as on 27-09-2023 to give evidence

Call on: 19-04-2025.

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