

Petitioner absent.

Order on IA No.2 filed by petitioner under Order 16 Rule 6 R/w Sec.151 of CPC.

The petitioner has filed IA No.2 U/o.16 rule 6 R/w Sec.151 of CPC to issue witness summons to the CMO Kural hospital, Kalaburagi to produce hospital bills and medicals bills pertaining to the petitioner.

2. The petitioner counsel filed memorandum of facts stating the original bills of claimant are with the Kural hospital therefore witness summon may be issued to the CMO Kural hospital, Kalaburagi. On all these grounds, petitioner prayed to allow the application.

3. The respondents are placed exparte.
4. Heard arguments on IA No.2.
5. The points arise for my considerations are as under:

- i. Whether IA No.2 filed by the petitioner under order 16 rule 6 R/w Sec.151 of CPC., is deserves to be allowed?
- ii. What order?

6. My answer to the above points are as under;

POINT No.1 : In the Affirmative.

POINT No.2 : As per final order for the following;

REASONS

7. **Point No.1:** Admittedly, present petition is filed by the petitioner claiming compensation on account of grievous injuries sustained by the him in the road traffic accident dated 21-05-2022. When the case was posted for arguments at that time petitioner has come up with the present application. The petitioner seeking issuance of summons to the CMO Kural hospital, Kalaburagi to produce medical bills and hospital bills of the petitioner. As per the case of petitioner he has taken treatment at the Kural hospital, Kalaburagi and even produced wound certificate and prescription issued by the Kural hospital, Kalaburagi. Since petitioner also claiming compensation under the entire medicals expenses for having paid to medical and hospital bills. Therefore, it is necessary to issue summons to the CMO Kural hospital, Kalaburagi to produce medical and hospital bills pertaining to the petitioner. Hence I am satisfied with the grounds mentioned in the memorandum of facts. Hence,

I answered Point no.1 in the affirmative.

Point No.2 : - In view of my findings on Point No.1, I proceed to pass the following

:: O R D E R ::

The IA No.2 U/o 16 rule 6 R/w Sec.151 of CPC filed by the petitioner is hereby allowed.

Issue witness summons to the CMO Kural hospital, Kalaburagi to produce medical bills and hospital bills pertaining to the petitioner.

Issue witness summons to the witness if steps taken by 28-06-2024.

Sr. C.J. & JMFC, Jewargi