

21.2.2025

**Orders on IA NO.5 U/s.151 of CPC**

The respondent No.2 has filed this application U/s 151 of CPC and sought to direct the petitioner to bring disability certificate from the District Disability Board, Kalaburagi.

**2.** The counsel for respondent No.2 has filed memo of facts and stated that the petitioner has produced two Disability Certificates showing disability to the tune of 43% and 63% issued by two different doctors. The Disability shown in both the certificates is exorbitant and without any basis. Therefore, in order to get the accurate disability caused to the petitioner he may be directed to bring the disability certificate from District Disability Board, Kalaburagi. Hence, prays to allow the IA.

**3.** The petitioner has filed objection to IA and contended that the respondent No.2 has filed the IA only to prolong the matter. Hence, prays to dismiss the IA.

**4.** Perused the records. Heard arguments.

**5.** The petitioner has filed this petition seeking compensation for the injuries sustained by him in the road traffic accident. The records reveal that the petitioner has produced two Disability Certificates at Ex.P.8 and P.17. The Disability Certificate at Ex.P.8 shows that one Dr.Sanjeev.N.Chincholi, Consultant Orthopedic Surgeon Kalaburagi issued Disability Certificate showing disability to the tune of 63% to the whole body. The Disability Certificate Ex.P.17 shows that Dr. Rajendra Kothari has issued disability certificate showing Neurological disability to the tune of 46% to entire body. The respondent No.2 has disputed the disability shown in the above certificates at Ex.P.8 and P.17 as exorbitant. Therefore, it is just and necessary to permit the respondent No.2 to get refer the matter to the District Disability Board or State Disability Board as the case may be. In this case the respondent No.2 has sought to refer the matter to District Disability Board, Kalaburagi.

**6.** It is true that in order to assess the accurate disability and to remove the doubt in the reports at Ex.P.8 and 17 it is required to refer the matter to the District Disability Board, Kalaburagi. Hence, the following:

**ORDER**

The application filed by the respondent No.2 U/O 151 of CPC is hereby allowed.

The matter is referred to District Disability Board, Kalaburagi for assessing accurate disability

sustained by the petitioner.

The petitioner is hereby directed to appear before the District Disability Board, Kalaburagi and subject himself for necessary medical examination for assessing disability sustained by him and get disability certificate from the District Disability Board, Kalaburagi and produce the same before this court within one month from the date of this order. Failing which the Disability Certificates at Ex.P.8 and 17 will not be considered at the time of passing the judgment.

The District Disability Board, Kalaburagi is hereby directed to examine the petitioner and assess the disability sustained by him and issue disability certificate to the petitioner.

Senior Civil Judge & MACT, Sedam.

**Orders on IA NO.6 U/O 11 Rule 14 of CPC**

The respondent No.2 has filed this application U/O 11 rule 14 of CPC and sought to summon the Case Sheet of Hanamanth S/o Sabanna Boundler bearing Patient Registration No.31232 who was admitted in-patient from 16.06.2023 to 09.07.2023.

**2.** The counsel for respondent No.2 has filed memo of facts and stated that the petitioner has produced exorbitant Medical bills issued by United Medical Stores, United Hospital, Kalaburagi without producing prescription issued by the Doctor. Therefore, in order to ascertain the actual medical expenses the case sheet is required. Hence, prays to allow the IA.

**3.** The petitioner has filed objection to IA and denied the memo of facts filed by the counsel for the

respondent No.2 in support of the IA and contended that the respondent No.2 has filed this application only to prolong the matter. Hence, prays to dismiss the IA..

**4.** Perused the records. Heard arguments.

**5.** The petitioners have filed this petition seeking compensation for the sustained by him in a road traffic accident. The records reveal that the petitioner has produced medical bills to the tune of Rs.5,40,815/-. But he has not produced prescriptions issued by the doctor. Therefore, it is just and necessary to summon the Doctor to produce the case sheet of the petitioner who took treatment as inpatient. Hence, the following:

**ORDER**

The application filed by the respondent No.2 U/O 11 Rule 14 of CPC is hereby allowed.

The United Hospital, Kalaburagi is hereby summoned to produce Case sheet of one Hanamanth S/o Sabanna Boundler patient bearing Regisdtration No.31232 who took treatment as inpatient from 16.06.2023 to 09.07.2023.

Office to issue witness summons to United Hospital, Kalaburagi through RPAD.

Office to issue intimation to the District Disability Board, Kalaburagi through RPAD.

The respondent No.2 shall pay PF and furnish postal covers.

For await report call on 21.3.2025.

Senior Civil Judge & MACT, Sedam.