

**IN THE COURT OF THE PRL. DISTRICT JUDGE AND M.A.C.T.,
KODAGU AT MADIKERI.**

PRESENT

**SRI.JINARALAKAR B.L., B.A., LL.B., (SPL.,)
PRL.DISTRICT AND SESSIONS JUDGE
AND MEMBER OF M.A.C.T.,
KODAGU, MADIKERI.**

DATED, THIS THE 16TH DAY OF DECEMBER, 2021.

M.V.C. NO.: 118/2019

PETITIONERS:

- 1. Smt.Sita,**
Wife of Venkatesh,
Aged about 42 years,
- 2. Venkatesh,**
Son of Late.Sannathimmaiah,
Aged about 50 years,

Both are presently residing and
working at C/o.Muddappa,
Hoddur Village, Balamuri Post,
Via Murnadu, Madikeri Taluk –
571252.

.vs.

RESPONDENTS:-

- 1. Mohan,**
Son of Mallesha,
Aged about 33 years,
Residing at Chamarayanakote
Village, Honnapura Post,
Haranahalli Hobli,
Periyapatna Taluk-571187.
- 2. Go Digit General Insurance
Company Limited,**
Atlantis No.95,

P.T.O.

4th B Cross Road,
5th Block,
Koramangala Industrial Layout,
Bengaluru-560095.

PARTIES TO I.A.NO. VI

APPLICANT:-

**Go Digit General Insurance
Company Limited.**

(By Sri.K.D.Dayananda,
Advocate.)

.VS.

RESPONDENT:-

Smt.Sita and Another.

(By Sri.K.S.Rajagopal,
Advocate.)

ORDERS ON I.A.NO. VI

The learned counsel for the applicant/respondent No.2 has filed an application in I.A.No.VI under Order-VIII Rule-1A of C.P.C., along with list of documents, praying to permit to produce the documents mentioned in the list, which is in the sealed cover for the reasons stated in the Memorandum of Facts.

2. In the Memorandum of Facts, he has contended that, the case is posted for respondent's evidence. This respondent has taken a specific

contention that, the deceased Rajesh was travelling in the offending vehicle as gratuitous passenger and the driver was implanted. In order to substantiate the defence, they have to lead cogent and convincing evidence. The investigator of the 2nd respondent has investigated the matter and submitted report to the Company. The investigator has also recorded the statement of some witnesses through voice recorder and sent the same to the Truth Lab in order to confirm the authenticity. The Truth Lab has sent the investigation report to the Company and the said document is the material document to elicit the truth. The witnesses cited in the I.A. are material witnesses to speak about the relevant facts before the Court in connection with this case. If the document is not accepted, the 2nd respondent will be prejudiced and great injustice will be caused to them and prays to permit to produce the document as stated above.

3. The application is resisted by the learned counsel for the respondents/petitioners who has filed objections stating that, the application is not maintainable either in law or on facts and is liable to be dismissed. The application does not merit any

consideration since the investigation report by the private investigation cannot be relied upon in the evidence. The same is not produced before the concerned police authorities. The 2nd respondent only for the purpose of evading payment of compensation to the petitioners, has concocted and fabricated the document/CD., In such circumstances, that document cannot be marked, because the same does not have any evidentiary value in the eye of law. The 2nd respondent has filed this application with the malafide intention only to drag on the proceedings and harass the petitioners and to somehow escape from the liability to pay compensation to the petitioners and prayed to dismiss the application with costs.

4. Heard on both sides.

5. Perused the application, objections and the materials on record.

6. In view of the above submissions, the following points that arise for my consideration are:-

1. Whether the applicant/respondent No.2 has made out reasonable grounds

to permit to produce the document as prayed in the application ?

2. What order ?

7. My findings to the above Points are as

under:-

Point No.1 : In the Affirmative,

Point No.2 : As per final order,
for the following:-

REASONS

8. **POINT NO.1:-** The petitioners have filed Petition seeking compensation on account of the death of Rajesh C.V., son of Venkatesh in the Motor Vehicle accident against the respondents 1 and 2. The respondents 1 and 2 have filed their objections. During the course of evidence, the 1st petitioner herself examined as PW-1, got examined one witness as PW-2 and closed the side. The 1st respondent is examined as RW-1 and closed the side. Thereafter, the matter was posted for evidence of the 2nd respondent. At this stage, the 2nd respondent has filed this application praying to permit to produce the document in the sealed cover contending that, the document is a material document in order to elicit the truth etc., If

the 2nd respondent is permitted to produce the document as prayed, no substantial harm or prejudice will be caused to the other side. Hence, the applicant/respondent No.2 has made out reasonable grounds to permit to produce the document as prayed in the application. Accordingly, I answer Point No.1 in the 'Affirmative'.

9. **POINT NO.2:-** In view of my finding given to Point No.1, I proceed to pass the following:-

ORDER

- a) I.A.No.VI filed by the applicant/respondent No.2 under Order VIII Rule-1A of C.P.C., is hereby allowed.
- b) The applicant/respondent No.2 is permitted to produce the document as sought for.
- c) No order as to costs.

Dictated to the Judgment Writer, transcript revised, then corrected and pronounced by me in Open Court on this the 16th day of December, 2021.

Sd/-xxx

(JINARALAKAR B.L.)

PRL.DISTRICT JUDGE

AND MEMBER OF M.A.C.T.,

KODAGU, MADIKERI.

***Bkr.**
