

**IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL
JUDGE AND JMFC AT PANDAVAPURA**

Dated this the 3rd day of February-2026

PRESENT :

SRI.BABU N., B.com, LL.B.
I Addl. Senior Civil Judge & JMFC,
Pandavapura.

M.V.C.No.1189/2023

PETITIONER : S.S.Somegowda

V/s

RESPONDENTS : Prasanna & others.

PARTIES IN I.A.No.VI

APPLICANT : Cholamandalam MS Gen.
Insurance Co. Ltd.,... Respondent No.2

V/s

OPPONENT : S.S.Somegowda Petitioner

ORDER ON I.A.No.6 FILED UNDER ORDER XVI
RULES 6 OF CPC

The Respondent No.2 has filed the application to summon the R.T.O., Mandya to produce RC and Fitness certificate of the Tractor bearing Registration No.KA-11-C-4031.

2. In the affidavit annexed to the application it is stated that, the respondent No.2 has taken a contention that the respondent No.1 was driving Tractor bearing Reg.No.KA-11-C-4031 with registration certificate and Fitness certificate as on the date of the alleged accident and hence in order to prove the same the

production of RC and Fitness certificate of the said tractor and evidence of the RTO is necessary and hence the application.

3. The petitioner has resisted the application stating that, the petitioner has produced fitness certificate as per Ex.P-41 and that, the respondent No.1 has produced RC along with his statement of objections and that, insurance copy, RC, Aadhaar card and other documents are already produced and hence the application is liable to be dismissed.

4. Following points do arise for consideration:-

1. Whether the Respondent No.2 has made out grounds to summon the RTO, Mandya as prayed for in the application?
2. What order?

5. Having heard learned Counsel for the respective parties and considered the material on record, I answered the above points as below for the following reasons;

Point No.1 : In the Affirmative

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

REASONS

6. **Point No.1:-** The respondent No.2 has filed the application to summon the RTO, Mandya to produce registration certificate and fitness certificate of the Tractor bearing Reg.No.KA-11-C-4031. On the other hand, the petitioner has stated that, he has already produced fitness certificate as Ex.P-41 and that, the respondent No.1 has produced registration certificate and other documents along with his statement of objections. In view of the same I have looked into Ex.P-41. The said document

is an IMV Report. The petitioner has not produced fitness certificate. Further, the petitioner has not produced RC also. Both these documents are not marked in the evidence. Therefore it is proper to summon the RTO, Mandya to produce registration certificate and fitness certificate of the Tractor bearing Reg.No.KA-11-C-4031. Hence, **I answer point No.1 in the Affirmative.**

7. Point No.2:- Having answered Point No.1 in the Affirmative, I proceed to pass the following:-

ORDER

The IA No.6 filed under Order 16
Rule 6 of CPC is allowed.

Issue summons to the RTO,
Mandya to produce RC and FC of the
Tractor bearing Reg.No.KA-11-C-4031
and adduce evidence.

(Dictated to the Stenographer on computer directly, then corrected and pronounced by me in the open Court on 03.02.2026)

(BABU N.)

I Addl. Senior Civil Judge & JMFC,
Pandavapura.

(Order pronounced in the open Court
vide separate Order)

ORDER

The The IA No.6 filed under
Order 16 Rule 6 of CPC is allowed.

Issue summons to the RTO,
Mandya to produce RC and FC of the
Tractor bearing Reg.No.KA-11-C-4031
and adduce evidence.

I Addl. Senior Civil Judge & JMFC,
Pandavapura.