

Com.O.S.No.60/2022
Brindavan Hospital V/s. M/s. Bibi Ayesha Mili
Hospital

ORDERS ON APPLICATION FILED BY THE DEFENDANT
UNDER ORDER 16 RULE 6 OF C.P.C.

This is the suit filed by the Plaintiff seeking recovery of Rs.58,16,332/- from the Defendant in which now when the matter was posted for Defendant's evidence the Defendant filed the present application under Order 16 Rule 6 of C.P.C. seeking to summon the documents from Waqf Officer, District Waqf Advisory Committee, Mysuru.

2. In the affidavit filed in support of the application the Defendant's representative has contended that a Mahazar was conducted by Waqf Officer on 11.02.2021 at Bibi Ayisha Mili Hospital, Mysuru, said record is very material for fair disposal of the present case. Hence, it is necessary to summon the said document.

3. To this application learned counsel for Plaintiff has filed objection stating that, application is not maintainable either in law or on facts, the application is highly belated same is filed only with an intention to protract the proceedings. The said application is not relevant to the case in hand. Therefore, application is liable to be rejected.

4. During arguments on the said application the counsel for Defendant has submitted that the Mahazar in question is very much necessary for deciding the present case effectively.

5. On the other hand counsel for Plaintiff has submitted his arguments stating that, said Mahazar is not at all relevant to the case in hand and application is belated one. Therefore, said application is liable to be rejected.

6. On perusal of the facts and circumstance of the case it appears that as the Defendant wants to bring some material on record in support of his case in respect of Hospital building it is necessary to allow the application. However, as already there is delay in disposal of the matter, it is decided to direct the Defendant to take summons by hand for service and proceed with the matter on day to day basis. Hence following ;

ORDER

The application filed by the Defendant under Order 16 Rule 6 of C.P.C. is allowed.

Issue summons to Waqf Officer, District Waqf Advisory Committee, Mysuru as claimed in the application of the Defendant and Defendant is directed to take summons by hand and serve the same on the concerned.

Office to issue summons as per today's order if steps taken.

For production of documents and further chief of DW.1.

Call on : 15.12.2025.

II Addl. District & Sessions Judge,
Mysuru.