

Orders on IA.No.10

Sri. SAS, advocate for defendant No.3 filed I.A.No.10 U/o 13 Rule 10 R/w section 151 of C.P.C. and prays to call for entire records of Misc. Petition.4/2013 disposed on 08.02.2019 on the file of this court by issuing subpoena summons.

2. The application is support by an affidavit sworn to by the defendant No.3 by name Shivakumar.

3. On the contrary the learned advocate for plaintiff filed objections and prays to dismiss the application.

4. Heard, perused the materials placed on record.

5. The following points arise for my consideration:

1) Whether the application filed by the defendant No.3 U/o 13 rule 10 R/w section 151 of C.P.C. is deserves to be allowed ?

2) What order ?

6. My answers to the above points are as follows:

Point No.1 : As affirmative.

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

REASONS

7. **Point No.1** :- The learned advocate for defendant No.3 contended that in Misc.4/2013 there are umpteen vital documents which are necessary to

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confront the witnesses in the present case. Hence prays to allow the application.

8. On the other hand the learned advocate for plaintiff contended that the defendant No.3 can obtain the certified copies and he can produce the same. Hence, prays to dismiss the application.

9. It is pertinent to note that it is the contention of defendant No.3 that there are some documents in Misc.4/2013 which are required to be confronted to the witnesses which are material to prove his contention. As such it is necessary in the interest of justice to issue summons as prayed by the defendant No.3. Hence, I answer Point No.1 as affirmative.

10. **Point No.2** :- In view of my findings of point No.1 as affirmative, I proceed to pass the following:

ORDER

I.A.No.10 filed by the defendant No.3 U/o 3 Rule 10 R/w 151 C.P.C. is hereby allowed and office is directed to keep the records of Misc. Petition No.4/2013 dated 08.02.2019 with the present file.

Call on for 17.03.2020.

**Sd/-
JUDGE,
Addl. Court of Small Causes,
MYSURU.**