

**12.03.2026**

**ORDERS ON I.A VII**

Learned Counsel for the respondent No.1 filed I.A.VII U/O XVI Rule 6 and 7 R/W section 151 of CPC praying to issue Court summons to the witness stated in the application to give evidence before the Court.

2. In the accompanying affidavit sworn by the respondent No.1 it is submitted that, due to his personal problems and inadvertence he could not furnish the accompanying list of witness to prove his case. The witnesses are material witnesses to prove his contention. The witnesses are the eye witnesses and hence summoning them is also just and necessary. If the application is allowed no hardship will be caused to the petitioner. Hence prays to allow the application.

3. On the other hand L/c for the petitioner filed objection and contended that the application is filed only to drag on the proceedings. The RW.1 already examined in this case who was the rider of the motorcycle against whom the chargesheet is filed. Among two witnesses cited by the respondents, one of them was traveling along with RW.1. Therefore the application is filed to drag on the proceedings and unnecessarily to

trouble the petitioner. Hence prayed to dismiss the application.

4. Heard both side. Perused records.

5. It is the contention of the respondents in this case that the accident caused due to the rash and negligence of the petitioner himself and not due to the fault of the respondents. To prove their contentions, the respondents intends to examine the eye witnesses. Therefore so as to give an opportunity it is necessary to allow the application. Hence, I proceed to pass the following:

**ORDER**

I.A VII filed by the respondent No.2 U/O XVI Rule 6 and 7 R/W section 151 of CPC is hereby allowed.

Issue court summons to the witnesses if PF paid.

Call on 09.04.2026.

**-Sd/-**  
Judge,  
Court of Addl.S.C.& MACT  
Mysuru