

### **Order on I.A.No. VII**

The counsel for petitioner has filed the present application U/O 16 Rule 1 & 2 of CPC to receive the list of witness.

2. The application is supported by the affidavit of the petitioner and it is stated that examination of the witness stated in application is very necessary to prove the case of the petitioner. Hence prayed to allow the application.

3. The counsel for respondent No.2 has filed objection to the application and it is stated that the witness who has been cited in the application is no way concerned to the present petition. One T.N.Balakrishnagowda had operated the patient and given treatment. Therefore the witness mentioned in the present application is not concerned to the present petition. Hence prayed to reject the application.

4. Heard the arguments of counsel for both parties.

5. The petitioner has filed the present application to receive the list of witness. On perusal of the order sheet, earlier the petitioner had filed similar application and said application was allowed by this court. Now the petitioner again filed similar application by stating that the witness mentioned in the application will give evidence on behalf of petitioner. It is the objection of the respondent No.2 that the witness mentioned in the application never gave any treatment to the injured and he is not concerned to the present petition. If the present application is considered and if the petitioner get examined the said witness, the respondent No.2 will get an opportunity to

cross-examine the said witness in order to testify that whether he gave treatment to the petitioner or not. By considering the reasons stated in the application, the same deserves to be allowed. Hence for the said reasons this court proceed to pass the following;

**ORDER**

**The application I.A.No.VI filed by the petitioner U/O 16 rule 1 & 2 of CPC is here by allowed and list of witness produced along with the application is hereby taken on record.**

**For further petitioner evidence.**

**Call on: 27.01.2024.**

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 06<sup>th</sup> day of January, 2024)

**(Sandesh Prabhu. B)  
Senior Civil Judge & J.M.F.C  
H.D.Kote**