

C.Mis. No.39/2017 * 15.02.2024

ORDERS ON APPLICATION
U/SEC.91(1) of CR.PC

The respondent has filed this application under section 91(1) of the Code of Criminal Procedure seeking direction to the St. Marys School, Honnammanakatte to produce the documents i.e., Admission register and School leaving certificate of Kum. Lakshmi R, and also to St. Marys School, H.D. Kote to produce the admission register of Kum. Lakshmi R.

2. It is stated in the application that, petitioners have filed this petition against the respondent U/sec.12 of D.V. Act. The respondent is the husband of 1st petitioner and the biological father of 2nd petitioner. The petitioner has been fully cross examined and the case is posted for chief examination of respondent. The 1st petitioner has got marked the certified copy of the admission register of 2nd petitioner and same is marked as Ex.P4. But in Ex.P4 certain details are not entered and is left blank which are mandatory in admission register i.e., column No.7, 8, 12, 15 & 16. The petitioner in cross examination has deposed that Ex.P4 – admission register is issued by St. Marys School, H.D. Kote and the petitioner also deposed that before admitting to St. Marys School, H.D. Kote the 2nd petitioner was studying in St. Marys School, Honnammanakatte. Hence, the respondent has filed this application to summon admission

register and school leaving certificate from the school where the 2nd petitioner is said to be studying and studied. If this application is allowed, the petitioner will not be put to any hardship or injury. On the other hand, if the application is not allowed, the respondent will be put to great untold hardship and injury which cannot be compensated in terms of money. Hence, prays to allow the application.

3. Per contra the learned counsel for petitioner submits no objection to this IA.

4. Heard the counsel for the applicant and perused the materials available on record.

5. Hence, the point arise for my consideration is - *“Whether the respondent made out sufficient grounds to allow the application filed by him U/sec.91(1) of Cr.PC ?”*

6. The above point is answered in the Affirmative for the following -

: REASONS :

7. The petitioner has filed this petition U/sec.12 of D.V. Act against the respondent seeking monthly maintenance of Rs.5,000/-. By way of this application the respondent sought direction to the St. Marys School, Honnammanakatte and St. Marys School, H.D. Kote to produce the Admission registers and School leaving certificate of Kum. Lakshmi R/ 2nd petitioner.

8. The petitioner counsel has submitted that they have no objections to the present IA. Hence,

since the opportunity is to be given to the respondent to prove his case, the present application is deserves to be allowed. Hence I I proceed the pass the following:

ORDER

Application filed by the respondent U/sec.91(1) of the Code of Criminal Procedure is hereby allowed.

The St. Marys School, Honnammanakatte, is hereby directed to produce the Admission register and School leaving certificate of Kum. Lakshmi R, and

The St. Marys School, H.D. Kote is directed to produce the admission register of Kum. Lakshmi R.

Issue summons to the Head Master of St. Marys School, Honnammanakatte and St. Marys School, H.D. Kote to produce aforesaid documents on or before next date of hearing.

Call on 05.04.2024

Addl. Civil Judge & JMFC
Heggadadevanakote.