

**ORDERS ON APPLICATION UNDER
SECTION 91(1) OF Cr.PC**

The applicant/respondent has filed application under section 91(1) of Cr.PC praying to summon the documents from the petitioner.

2. It is stated that in the application that, petitioners have filed this petition against the respondent U/sec.12 of D.V. Act. The respondent is not the husband of petitioner No.1 and also not the biological father of petitioner No.2. The respondent has a good ground for defence in this case. The petitioner has been fully cross examined and the case is posted for chief examination of respondent. The petitioner as PW.1 in the cross examination has deposed that she has the following documents:

- 1) The photographs taken at the time of marriage.
- 2) The marriage certificate issued by Kendagannaswamy Gaddige.
- 3) The birth certificate of 2nd petitioner issued by Mysuru City Corporation.
- 4) The police complaint by 1st petitioner against the respondent.

Hence, the respondent is filing this application to summon the above said documents from the 1st petitioner. If this application is allowed, the petitioner will not be put to any hardship or injury, on the other hand if this 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 petitioner to produce documents like photographs taken at the time of marriage, marriage certificate issued by Kendagannaswamy Gaddige, birth certificate of 2nd petitioner issued by Mysuru City Corporation, the police complaint by 1st petitioner against the respondent.

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 proceed the pass the following:

ORDER

The application filed by the respondent U/sec.91(1) of the Code of Criminal Procedure is

hereby allowed.

The petitioner is directed to produce the photographs taken at the time of marriage, marriage certificate issued by Kendagannaswamy Gaddige, birth certificate of 2nd petitioner issued by Mysuru City Corporation, the police complaint by 1st petitioner against the respondent, if any on or before next date of hearing.

Call on 16.01.2025

C/c Addl. Civil Judge & JMFC
Heggadadevanakote.