

MVC No.1215/2018

Petitioner has filed I.A. under Order 26 Rule 4 r/w Section 151 C.P.C. to appoint the court commissioner to examine the doctor.

The respondent No.4 filed statement of objections.

Heard.

According to the petitioner the doctor whom he wishes to examine is unable to come to the court and give evidence as he is very busy in operation.

Respondent No.4 has denied the said contention and submitted that there are many courses open to the petitioner to call the doctors to the court to give evidence. But as per the address of the doctor mentioned in the application he works at J.S.S.Hospital, Mysuru. It is though not a distant place from Nanjangud, the contention of the petitioner that, the doctor is a busy doctor cannot be ruled out. Therefore, to save the timings of the court as well as the doctor, it is necessary to appoint court commissioner to record the evidence of the doctor. Hence, the following:

ORDER

I.A. under Order 26 Rule 4 r/w Section 151 C.P.C. is allowed.

Court Commissioner is
appointed to record the evidence of
doctor.

To furnish the name of the
court commissioner.

Senior Civil Judge,
Nanjangud.
19.12.2022