

KARN410001522015



**IN THE COURT OF THE ADDL. SENIOR CIVIL JUDGE &
J.M.F.C., AT:MAGADI.**

Present:

Sri. Hanumanth Satwik.,^{LL.M.}

Addl. Senior Civil Judge & JMFC, Magadi

DATED : THIS THE 1st DAY OF APRIL, 2022

M.V.C.No.76/2015

Petitioner : Sri. K. M. Kotresha,
S/o late K.M.Hemagiriaiah,
Aged about 33 years,
R/at C/o Tejamurthy,
Thirumale Main Road,
Near Maramma Temple,
Thirumale, Magadi Town,
Ramanagara District.

(By **Sri. S.C.R.** Advocate)

--V/s--

Respondents : 1 Sri. Narasimhamurthy,
S/o Venkata Narasimhaiah,
Aged about 41 years,
R/at Adakamaranahalli,
Bachenahatti Post, Kasaba Hobli,
Magadi Town, Ramanagara District.

2. Royal Sundaram Alliance Insurance
Company Limited,
Hosur Road, Bengaluru – 560 027.

(Respondent no.1 By **Sri. M.N.**, Advocate)
(Respondent no. 4 By **Sri. K.N.**, Advocate)
ORDER ON IA NO. IV

The present suit is for compensation.

2. The present application has been filed by the petitioner praying to summon the witness medical documents like Register of case sheet, Discharge summary report and old 'X' Ray report. The petitioner submits that discharge summary reports have been misplaced. In these circumstances summoning the said documents is necessary. In this regard the petitioner prays as above.

3. The respondents did not file objections to the application.

4. Heard arguments of the petitioner.

5. Considering the case of the petitioner following points arise for my consideration.

1. Whether petitioner has made out sufficient cause for summoning the documents as sought for?

2. What order?

6. My findings for the above points are as under.

Point no.1: In the negative

Point no.2: As per final order
for the following;

REASONS

7. **Point No.1:-** It is the case of petitioner that discharge summary reports have been misplaced. In these circumstances summoning the said documents is necessary. In this regard, I have perused the pleadings and the documents on record.

8. Be it stated, no documents have been produced by petitioner to show that he attempted to obtain the documents sought for from the hospital concerned at any point of time.

9. In the case at hand the absence of documents produced by the petitioner to show that he attempted to obtain the documents sought to be summoned from the hospital concerned indicates that

petitioner did not made any efforts to obtain the documents from the concerned hospital and directly approached this court to summon the alleged documents. Such being the case, I am of the view that petitioner has not made out any grounds to summon the alleged documents from the hospital concerned. Accordingly, point No.1 is answered in the negative.

10. **Point no.2** : - In view of reasons on point No.1, I proceed to pass the following;

ORDER

**IA No.IV filed U/o. 16 rule 6 of r/w sec.151
of CPC filed by the petitioner is hereby rejected
on cost of Rs.100/-.**

(Dictated to the Typist directly on the computer, typed by her corrected by me and then pronounced in the open court on this the **1st day of April, 2022.**)

**(Hanumanth Satwik)
Addl. Senior Civil Judge & JMFC.,
Magadi.**