

ORDER ON I.A.NO.II

This is an application filed by the Plaintiff under Order XVI Rule 6 of CPC seeking to summon the M.E.S Garrison Engineer, Binga, Karwar to produce the relevant documents regarding details of payment of Anti Termite treatment by the Pest Control India Pvt Ltd., through M/s Concan Specialised Engineer Services O/o. Near Canara Bank, Kaikini road, Karwar from 2013 he further contended that the said documents are necessary to prove the case and he has summoned the above documents as per order on IA No.I but summons was returned as unclaimed to due to insufficient address. Hence, again he has filed the second application and sought for allowing the application as prayed for.

2. Defendant did not choose to file any objection to the said application. However, he orally opposed to issue summons to the witnesses contending that the plaintiff has filed present application to drag the proceedings. I have heard the arguments of both sides and perused the entire record, in the facts and

circumstances of the case; the following point arises for consideration:

Point: Whether the plaintiff has made out the sufficient and satisfactory grounds to allow I.A.No.II as prayed for?

3. The point under consideration is answered in the **Affirmative** for the following:

REASONS

4. As could be seen from the contentions urged in the affidavit filed in support of the above application, the plaintiff is seeking to summon the the M.E.S Garrison Engineer, Binaga, Karwar to produce the relevant documents regarding details of payment of Anti Termite treatment by the Pest Control India Pvt Ltd., through M/s Concan Specialised Engineer Services O/o. Near Canara Bank, Kaikini road, Karwar from 2013.

5. It is pertinent to state here that the very plaintiff has filed IA.No.I to issue summons for the production of the documents sought in

the present application in question and IA No.I was allowed by this court as per vide order dtd 13-03-2019 and summons was issued to the for the production of the document and the same was returned endorsement that unclaimed due to insufficient evidence. Hence, he has filed the IA.No.II for issuance of summons for causing production of the document sought in the IA NO.I & II with fresh address.

6. As already stated supra, defendant has not filed objection to the IA.No.I. Moreover, this court has already given its finding regarding the necessity for the production of document while disposing IA.No.I. Hence, no further explanation is required in this regard. However, it is already held by this court that the documents sought to be summoned is very much necessary for the just decision of the case. Hence, it is just and proper to allow IA No.I to meet the ends of justice. Accordingly I answer the point under consideration in the **Affirmative** and proceed to pass the following:

ORDER

I.A.No.II filed by the plaintiff under Order XVI Rule 6 of CPC is allowed.

Issue summons to M.E.S Garrison Engineer, Binga, Karwar 581307 to produce document mentioned in the IA.No.II if PF is paid and IA copy is furnished.

R/by 25-07-2023.

(Sri.Dhanuraj. S.M)
Prl.Civil Judge & JMFC-II,
Karwar