

The respondent No.2 filed IA VI under Order VIII Rule 1 and 2 R/w 161 of CPC to permit to produce documents mentioned in the list. In the memorandum of facts, it is stated that the respondent No.2 is producing the copy of policy of vehicle and said documents is relevant to decide the matter. The petitioner has not filed objection on the said application.

If the insurance was covered as on the date of accident, then only the respondent No.2 is liable to pay compensation. Hence, the policy is a relevant documents to decide the matter in controversy. Consequently, the IA VI under Order VIII Rule 1 and 2 R/w 161 of CPC filed by respondent No.2 is allowed.

Senior Civil Judge, Ankola.

The petitioner filed IA No. IV u/Sec. 151 of CPC to recall the stage for further evidence from the evidence of respondent and I.A No. V u/Or.. XVI Rule 1 and 2 R/w. Sec. 151 of

CPC. to summon witnesses stated in the application.

In the memo of fact, it is stated that the evidence of Droctor who issued disability certificate and Arya Durga Tourist Ankola, who issued Taxi bills each mandatory to decide . Hence, these applications are filed.

The counsel for respondent NO.2 field objection sating that the case was posted for the evidence of Respondents NO.2 and the application are not supported by the affidavits of petitioner . No valid reasons are made out. Hence, it is prayed to dismissed application with costs.

Heard and perhe petitioner filed IA No. IV u/Sec. 151 of CPC to recall the stage for further evidence from the evidence of respondent and I.A No. V. u/Or.. XVI Rule 1 and 2 R/w. Sec. 151 of CPC.used the recorded

Admittedly these applications are filed when the case was posted for the evidence of respondents. It is also true that the petitioner got himself examined as P.W.1 . He as not examied medical officers. He

stated that he sustained grievous injuries and he suffering from permanent partial disability. Hence, to prove the same, the examination of concerned Doctor is necessary. The Rule 18(2) of Karnataka Civil Rules of Practice clearly provides that it shall not be necessary to file affidavit in support of instant application and only a memorandum of facts signed by the pleader is sufficient. Hence, there is no merit in the objection of respondent No.2. Moreover, the respondent No.2 has got opportunity to cross examine the witnesses of petitioner if the petitioner is permitted to examine the said witnesses. Consequently, I pass following:

ORDER

The IA No. IV u/Sec. 151 of CPC to recall the stage for further evidence from the evidence of respondent and I.A No. V u/Or.. XVI Rule 1 and 2 R/w. Sec. 151 of CPC filed by petitioner are allowed.

Senior Civil Judge, Ankola.

