

Order below Exh. 45 in Regular Civil Suit No. 9/2008.

This is an application moved by defendant No. 6 under Order 16 Rule 6 read with Section 151 of the Code of Civil Procedure.

2) Defendant No. 6 contended that the defendant No. 4 is a psychopath. The defendant No. 4 is having serious mental disorder. The conduct of defendant No. 4 is abnormal and most of the times is violent and anti social. To bring the fact that defendant No. 4 does not understand day today business Court be directed to Medical Superintendent, Belgavi Institute of Indian Science Hospital, Belgavi for production of the relative documents with regards to the mental and physical condition of the defendant No. 4. Hence, the application.

3) Plaintiff contended that the application is false, baseless, untenable in law. The application under Order 16 Rule 6 of the Code of Civil Procedure is premature as it is not the stage of the examination of witnesses. Therefore, the application is liable to be rejected.

4) Nobody is prevented to defendant No. 6 from getting the record from Medical Superintendent Belgaum Institute of Medical Sciences, Belgavi to get the medical certificate of defendant No. 4 to show that defendant No. 4 is mentally ill person. Therefore, in my considered view, for that purpose the process of Court should not be utilized. Hence, application is liable to be rejected. Hence, I proceed to pass the following order.

Order

1) Application is rejected.

2) Costs in main cause.

Sd/-

(M. D. Thombare)
Civil Judge, Jr. Dn., Chandgad.

Dated:- 06/11/2015.

C E R T I F I C A T E

I affirm that the contents of this P. D. F. file Order is same, word to word, as per the original Order.

Name of the Stenographer	Shri. V. L. Tadmok, L. G. Stenographer.
Name of Court	Shri. M.D. Thombare, Civil Judge, Junior Division and Judicial Magistrate, First Class, Chandgad.
Date of Dictation	06/11/15
Judgment signed by the P. O. on	06/11/15
Judgment uploaded on	07/11/15