

Order No. 44

Dt.30.07.19

The record is taken up for hearing in connection with an application filed u/o 16 rule 10 & 12 read with section 151 of the C.P.C. praying that the Court be pleased to issue a Warrant of Arrest either with or without bail against Anilbhai @ Anil Sharma in the address given therein. According to the petitioner/plaintiff the presence of said Anil Bhai is necessary to settle the dispute or to prove his case against the defendant. According to the petitioner/plaintiff during the course of trial he issued summons through court but in spite of receiving summon Anil Sharma did not turn up to depose in this case. According to the petitioner there was business transaction between the parties in dispute. Plaintiff demanded money from the defendant and defendant submitted in the written statement that the payment he made to Anil Sharma from whom the plaintiff can collect the money. The presence of Anil Sharma as a witness in this suit is necessary to bring the actual state of affairs in the light. He prays for issuance of warrant against the Anil Sharma.

The plaintiff attract the attention of the court to the postal receipts against sending of summon by registered post upon Anil Sharma and also filed one A.D. Card purported to have been bearing the signature of the addressee namely Anil Sharma.

However, having heard the Id. Counsel of respective parties and on perusal of the postal receipts and also A.D. Card this court has reason to believe that the summon was issued to the address where Anil Sharma resides. The envelope was correctly stamped. The same was duly served upon Anil Sharma but he did not turn up without assigning any reason behind his avoiding the court's order.

In view of the circumstances this Court is inclined to issue Warrant of Arrest against Anil Sharma in the address given in the postal receipt/A.D. Card. Concerned Police Station is directed to execute the Warrant of Arrest and on he is being arrested he be let out on bail on furnishing bond of Rs. 500/- and on condition to appear before this Court on the next date positively.

To 22.08.19 for E.R. and appearance of the witness and further order.

Plaintiff is to file requisite at once.

D/c by me.

Judge

Judge