

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.790 of 2012

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.24.01.2012 in I.A.No.26 of 2012 in O.P.No.118 of 2010 on the file of IV Additional District Judge, (Fast Tract Court), Siddipet.

2. The petitioner herein is 3rd respondent in the said O.P., which was filed by 1st respondent against 2nd respondent and petitioner for damages and injuries caused to him in an accident which occurred on 03.03.2010 involving a tractor bearing No.AP 23 D 7052 owned by 2nd respondent, and a motor-cycle on which the 1st respondent was a pillion rider and which was being driven by his friend.

3. It is the contention of petitioner in the O.P. that the driver of tractor did not have a valid driving license, and therefore, he has filed I.A.No.26 of 2012 to summon the Additional Licensing Authority, Road Transport Authority, Siddipet to attend in person or depute any official along with true extract of the driving license of driver of the tractor, and also to produce the Certificate of Registration of tractor.

4. This application was opposed by respondents on

the ground that xerox copy of the Certificate of Registration and the true extract of driving license issued by the Road Transport Authority had already been filed.

5. By order dt.24.01.2012, the Court below dismissed the said application stating that there is no justification to summon the Additional Licensing Authority, Road Transport Authority, Siddipet to produce the above papers since already xerox copies thereof had been filed.

6. Challenging the same, the present Revision is filed.

7. Heard Sri T. Mahender Rao, counsel for petitioner; and Sri M. Rajamalla Reddy, counsel for 1st respondent.

8. It is true that a xerox copy of Certificate of Registration and true extract of driving license issued by the Road Transport Authority to the driver of tractor had been filed and marked. But in order to verify whether these documents are genuine or not having regard to the plea of petitioner that the driver of tractor had no valid driving license, the petitioner is entitled to summon the Additional Licensing Authority, Road Transport Authority, Siddipet to attend in person or to depute any official to produce the driving license of driver of tractor along with Certificate of Registration of the tractor.

9. Therefore, the impugned order cannot be sustained, and it is accordingly set aside. The Civil Revision Petition is allowed. No order as to costs.

10. As a sequel, miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 26.10.2015

Ndr/*