

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Revision Petition No.4199 of 2013

ORDER:

This Civil Revision Petition by the 4th respondent-ICICI Lombard Motor Insurance Company Limited under Article 227 of the Constitution of India is directed against the order dated 13.08.2013 of the learned Chairman, Motor Accidents Claims Tribunal-cum-III Additional District Judge, (Judge, Fast Track Court), Asifabad passed in I.A.No.381 of 2012 in O.P.No.162 of 2010 filed under Order XVI Rule 6 read with Section 151 of the Code of Civil Procedure, 1908 requesting to direct the 2nd respondent/owner-cum-driver of auto rickshaw bearing registration no.AP-01U-9653 to produce the driving licence and to give evidence in the interests of justice.

2. I have heard the submissions of the learned counsel for the revision petitioner. I have perused the material record.

3. The order of the Court below, which is impugned in this revision, reads as follows:

“The petitioner has to investigate the matter with their own investigation and sources but not depending upon the other respondents. Hence this petition is dismissed.” (Reproduced verbatim)

The above order makes it manifest that it is a cryptic order and is not a speaking order. Even before dismissing the petition, no

opportunity is given to the contesting respondent/s and the claimant to file their counter(s). Therefore, the petition was not disposed of in accordance with the procedure established by law. Viewed thus, this Court finds that the order, which is not a speaking order, is unsustainable both under facts and in law.

4. In the result, the Civil Revision Petition is allowed and the order impugned is set aside. The tribunal is now directed to take up I.A.No.381 of 2013 afresh and dispose of the same on merits in accordance with the procedure established by law after giving an opportunity to the contesting respondent/s and the claimant in the OP to file their counters.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this CRP shall stand closed.

M. SEETHARAMA MURTI, J

18.04.2016
RAR