

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CIVIL REVISION PETITION No.502 OF 2014

ORDER:

This Civil Revision Petition is filed under Article 227 of the Constitution of India challenging the docket order dated 22.11.2013 in I.A.No.1106 of 2013 in Original Petition No.11 of 2012 on the file of the Motor Accidents Claims Tribunal-cum-II Additional District Judge, Karimnagar at Jagtial.

2. Heard the learned counsel for both the parties.

3. A perusal of the record reveals that respondent Nos.1 to 4 herein have filed Original Petition No.11 of 2012 on the file of the Motor Accidents Claims Tribunal-cum- II Additional District Judge, Karimnagar at Jagtial claiming compensation from the petitioner and respondent Nos.5 and 6. After completion of the respondents' side evidence, the petitioner herein filed I.A.No.1106 of 2013 to summon the Regional Transport Authority Officials in order to prove the recitals and nature of of Ex.B.5. The Tribunal dismissed the said petition. Hence, the revision.

4. The contention of the petitioner is that the driver of the crime vehicle was not having valid and effective driving licence as on the date of accident.

5. The contention of the respondents is that the driver of the crime vehicle was having driving licence to drive the vehicle.

6. Ex.B.5 is certified copy of the driving licence of the driver of the crime vehicle. In order to ascertain the nature of the driving licence, it is just and necessary to examine the officials of the Regional Transport Authority. Even if the petition is allowed, the

same may not cause any prejudice to the respondents. If the petition is dismissed, it may not be possible for the petitioner to establish the nature of the driving licence possessed by the driver of the crime vehicle as on the date of accident. The Tribunal failed to consider this aspect and dismissed the petition on erroneous grounds.

7. Viewed from any angle, I am of the considered view that it is a fit case to set aside the docket order dated 22.11.2013 in I.A.No.1106 of 2013 in Original Petition No.11 of 2012 on the file of the Motor Accidents Claims Tribunal-cum-II Additional District Judge, Karimnagar at Jagtial.

8. Accordingly, the Civil Revision Petition is allowed setting aside the docket order dated 22.11.2013 in I.A.No.1106 of 2013. Consequently, I.A.No.1106 of 2013 in Original Petition No.11 of 2012 on the file of the Motor Accidents Claims Tribunal-cum-II Additional District Judge, Karimnagar at Jagtial, is allowed permitting the petitioner to summon the Regional Transport Officials to prove the recitals of Ex.B.5. The learned II Additional District Judge, Karimnagar at Jagtial is directed to dispose of Original Petition No.11 of 2012, as expeditiously as possible, preferably within a period of six (6) months from the date of receipt of a copy of this order. There shall be no order as to costs.

9. Consequently, Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 09.03.2017
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