

THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

C.R.P. No.1915 of 2017

ORDER

This revision is directed against the order dated 17.02.2017 passed in I.A.No.152 of 2017 in M.V.O.P.No.204 of 2015 by the Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge, Srikakulam.

2. The respondents-claimants filed O.P.No.204 of 2015 claiming compensation of Rs.8,00,000/- for the death of deceased Raja Rao in a motor vehicle accident. During trial, the evidence of claimants was completed and R.W.1 was examined on behalf of respondents. At that stage, revision petitioner-insurance company filed the impugned application to issue summons to the RTA, Srikakulam, to cause production of driving licence bearing No.AP43020130000396 of Sri Boddu Appanna, s/o.Suryanarayana, Fitness Certificate, permit particulars and R.C. extract of auto bearing No.AP 30 X 0780 and to give evidence. By order dated 17.02.2017, the trial Court having held that the petition was filed at belated stage without disclosing any reasons dismissed the said petition. Aggrieved by the same, the petitioner filed the present revision.

3. Learned counsel for petitioner contended that the trial Court without giving valid reasons erroneously dismissed the impugned application. He contended that since the driver of auto was not having valid driving licence at the time of accident, the particulars of driving licence of the driver are necessary to prove the defence and therefore, the evidence of RTA is required .

4. As seen from the record, it is evident that the evidence of the claimants was closed and one of the Officers of insurance company was

examined as R.W.1. At this stage, the petitioner filed the impugned application to issue summons to RTA for production of driving licence of the driver of auto bearing No.AP 30 X 0780, who was not having valid driving licence at the time of accident. Since the impugned application is filed during the course of trial and the particulars of driving licence of the driver of auto are necessary for fixing the liability, this Court is of the view that the dismissal of the impugned application without giving any reasons is not tenable. Therefore, the order impugned is liable to set aside.

5. Accordingly, the Civil Revision Petition is allowed, setting aside the order impugned. The trial court is directed to issue summons to the RTA, as sought for by the insurance company, on deposit of process fee. No order as to costs. Miscellaneous petitions, if any, pending in this revision shall stand dismissed.

20th June, 2016
sj

M.S.K. JAISWAL, J.

