

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.6925 of 2017

ORDER:

Heard the learned counsel for petitioners and Sri G. Ramachandra Reddy, learned counsel for 2nd respondent.

2. This Revision is filed assailing the order dt.02-11-2016 in I.A.No.716 of 20176 in M.V.O.P.No.110 of 2014 of the VIII Additional District Judge-cum-MACT, Chittoor.

3. Petitioners herein are applicants in the said MVOP and are seeking compensation on account of death of 1st petitioner's husband in a road accident from the respondents herein.

4. Petitioners filed I.A.No.716 of 2016 to issue summons to Sub-Inspector of Police, Ponnai Police Station, Ponnai Vellore District, State of Tamil Nadu to produce case file relating to Cr.No.50 of 2010 on the file of the said Police Station on the ground that the said documents are necessary for them to prove their case. They contended that unless said documents are produced, they will not be able to prove their case and suffer irreparable loss and hardship.

5. Counter-affidavit is filed stating that there is no necessity to summon the said documents and alleging that the criminal case foisted by the police was closed and police did not file any charge sheet.

6. By the impugned order, the Court below dismissed the said I.A. on the ground that the petitioners did not mention the name of the

witness to be summoned to give evidence in the O.P. and also on the ground that the police did not file any charge sheet against the driver of the crime vehicle.

7. Assailing the same, this Revision is filed.

8. The fact that the name of the person proposed to be examined by a party is not mentioned in the O.P. is not a ground to reject the applications of this nature since the purpose of trial is to find out the truth and dependents of a deceased, who are seeking compensation, cannot be deprived of an opportunity to establish their case against respondents by seeking to summon a person as a witness to produce documents in his custody.

9. The reasoning given by the Court below is perverse and cannot be sustained.

10. Accordingly, the Civil Revision Petition is allowed, the impugned order is set aside and I.A.No.716 of 2016 is allowed. No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 04-04-2018

Vsv