

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. Nos.111, 347 and 351 of 2013

COMMON JUDGMENT:

Since all the appeals are arising out of one Original Petition, they are taken up together, heard and being disposed of by this common judgment.

2. MACMA Nos.111, 347 and 351 of 2013 are filed by the appellant-Insurance Company against the orders passed on 25.10.2012 in I.A.Nos.1138, 1135 and 1136 of 2012 respectively in O.P.No.2561 of 2010 on the file of the XIII Additional Chief Judge (FTC), City Civil Court, Hyderabad, whereby and whereunder the Tribunal dismissed the applications filed by the appellant to summon the driver of the crime vehicle, Motor Vehicle Inspector and owner of the crime vehicle respectively.

3. The Tribunal dismissed the interlocutory applications, as noted above, on the only ground that the appellant-Insurance Company failed to take steps since 2010 and the Tribunal also opined that the applications were filed only to drag on the matter.

4. Heard. Perused the record.

5. Learned counsel for the appellant mainly contends that summoning the driver and owner of the crime vehicle and the Motor Vehicle Inspector is only for a limited purpose to elicit information as to whether the driver of the crime vehicle was having valid driving license to drive the crime vehicle. Hence, the evidence of these witnesses is very much essential for proving their case. Thus, he contends that the impugned orders are liable to be set aside in

order to afford fair and ample opportunity to the Insurance Company to prove its case before the Tribunal.

6. As seen from the impugned orders, the Tribunal mainly dismissed the impugned applications on the ground that filing of such applications was nothing but a procedure adopted by the appellant to drag on the matter. But, it is to be seen that the accident was occurred on 14.04.2010, O.P. was filed in November, 2010, and the impugned applications were filed in September, 2012. Having regard to the same, this Court is not inclined to appreciate the reason assigned for dismissing the impugned applications by the Tribunal holding that the impugned applications were filed as a delaying tactic.

7. Therefore, all the appeals are allowed and the impugned orders set aside. Tribunal is directed to decide the matter on merits duly issuing summons to the driver and owner of the crime vehicle and the Motor Vehicle Inspector, as sought by the appellant. In the event, if there is no response from the said witnesses for deposing before the Tribunal, the Tribunal is at liberty to proceed with O.P. treating that those witnesses have no explanation to offer. Further, since the accident is of the year 2010, the Tribunal shall dispose of the O.P. as expeditiously as possible.

Miscellaneous petitions pending in these appeals, if any, shall stand closed. No order as to costs.

T. AMARNATH GOUD, J

16.08.2019

Note : Issue C.C. in a week.
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