

**C.M.P. No.3401 of 2022 in C.M.A. No.2265 of 2018****A.A.NAKKIRAN, J.**

This petition has been filed to produce (i) Cross examination of RW.2 in MCOP No.24 of 2021 (ii) copy of the driving licence of the petitioner's husband (Mylsamy) as additional evidence in this Civil Miscellaneous Appeal and pass such orders accordingly.

2.Ms.J. Lavanya, the learned counsel for the appellants would submit that the Civil Miscellaneous Appeal has been filed against the dismissal order dated 11.08.2017 in MCOP No.25 of 2012 on the file of the Motor Accident claims Tribunal/IIIrd Additional District Judge, Gobichettipalayam. At the time of the accident, the driving licence of the petitioner's husband was not able to produce before the Trial Court as it was lost. As a result, the Trial court held that the petitioner's husband did not have valid driving licence at the time of the accident and rejected the claim of the petitioner herein. Further, in the Cross examination of P.W.2, he has produced the records showing that the petitioner's husband has valid driving licence at the time of the accident. Hence, the petitioner may be allowed to produce the documents as prayed in the petition.

A.A.NAKKIRAN,



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3. There is no representation for the respondent/Insurance Company.

4. Heard, the learned counsel for the petitioner and perused the materials available on record.

5. Having considered the facts and circumstances of the case and being satisfied with the reasons stated in the affidavit filed in support of the petitioner, this Court is inclined to allow the petition and accordingly, this petition is allowed.

6. Post the main petition on 09.01.2023 for arguments.

23.12.2022

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