

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

CIVIL REVISION PETITION Nos.104 & 111 of 2015

-

-

COMMON ORDER:

Heard the learned counsel for petitioners and the learned counsel for respondents. Since these Civil Revision Petitions emanate from the same proceedings, they are being disposed of by this common order.

2. Respondents 3 and 4 in O.P.No10 of 2010 on the file of the Court of the Motor Accidents Claims Tribunal-cum-II Additional District Judge, Karimnagar at Jagtial (for short, trial Court) are the petitioners herein. During the course of evidence, they filed two applications, I.A.No.1375 of 2014 seeking to summon Investigating Officer of Crime No.57 of 2008 of Police Station, Siricilla and I.A.No.1378 of 2014 seeking to summon the driver of the vehicle, second respondent therein, as a witness to depose with regard to the driving license particulars of the driver, first respondent therein. When the trial Court dismissed the said applications, by separate orders dated 01.12.2014 and 05.12.2014 respectively, the present Civil Revision Petitions are filed.

3. So far as I.A.No.1375 of 2011 is concerned, it was dismissed on the ground that the arrest of the driver, etc., were made by one K.Srinivas, the then ASI of Police Station, Siricilla, who was shown as L.W.3 in the charge sheet and the person who is sought to be summoned merely filed the charge sheet. Since the filing of the charge sheet is not disputed, the application was held to be not maintainable. I am in agreement with the said order passed by the trial Court.

4. With regard to order in I.A.No.1378 of 2014 summoning the driver of the vehicle, the trial Court observed that the contents of the charge sheet itself

would be sufficient with regard to the possession of learning license by the driver of the vehicle. The trial Court should have seen that the burden is on the insurance company to prove that the driver of the vehicle did not possess a valid driving license and drove the vehicle on the date of accident. In that view of the matter, the presence of the driver is necessary for effective adjudication of the pleas taken up by the petitioners herein. Hence, the order passed by the trial Court is not correct and is accordingly set aside and I.A.No.1378 of 2014 is consequently allowed.

5. In the result, CRP.No.104 of 2015 is dismissed and CRP.No.111 of 2015 is allowed. No order as to costs. Miscellaneous Petitions, if any pending in both the Civil Revision Petitions, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 30.11.2015

TJMR