

19.11.2025

ORDER ON I.A. No.XII

The respondent No.4 has filed I.A.No.XII under order-XI Rule-14 read with section 151 of Civil Procedure Code, praying that the respondent No.3 may be directed to produce valid driving licence of Mallikarjun F. Maki, who was rider of motorcycle bearing no.KA-53/HB-0210 and say regarding validity of driving licence as on the date of accident in the interest of justice and equity.

2. In the memo of facts annexed to the application it is stated that the present petition is filed by the petitioners claiming compensation for the death of Sushanth Purandare in alleged accident occurred on 15.08.2020 involving motorcycle bearing no.KA-53/HB-0210 and said vehicle is insured with applicant. That the petitioners have filed the present petition without furnishing driving license of Mallikarjun and after receipt of summon from this court the applicant has made efforts to trace out the driving licence of Mallikarjun, but found that he has obtained the driving licence on 02.03.2021 i.e. after the date of accident i.e. 15.08.2020. Further stated that respondent No.3 is the owner of said Motor Cycle has appeared before this Tribunal through his counsel but failed to produce driving licence of Mallikarjun as on the date of accident and also lead evidence in the matter regarding manner of accident since the manner of

accident differs from the FIR and charge sheet. Hence respondent No.4 prays that the respondent No.3 may be directed to produce valid driving licence of Mallikarjun F. Maki, who was rider of motorcycle bearing no.KA-53/HB-0210 and say regarding validity of driving licence as on the date of accident and accordingly, prayed to allow the application.

3. On the other hand the petitioner has submitted no objection to I.A No.XII.

4. Further learned counsel for respondent No.2 has also submitted no objection to IA no.XII.

5. Further, objections to IA No.XII by learned counsel for respondent no.1, 3 and 5 taken as nil.

7. Heard both sides and perused all the materials available on record.

8. Now the points that arise for the consideration of this Tribunal are ;

1.Whether I.A.No.XII filed by the respondent No.4 deserves to be allowed?

2. What order ?

9. This Tribunal has answered to the above points as here under:

Point No.1: In the **Affirmative**

Point No.2: As per the final order
for the following:

REASONS

10. **Point No.1:** The respondent No.4 has filed I.A.No.XII under order-XI Rule-14 read with section 151 of Civil Procedure Code, praying the respondent No.3 may be directed to produce valid driving licence of Mallikarjun F. Maki, who was rider of motorcycle bearing no.KA-53/HB-0210 and say regarding validity of driving licence as on the date of accident and prayed for an order in their favour.

11. In view of the above fact, this Tribunal is of the opinion that respondent No.4 have made out any sufficient ground to grant order in their favour. Therefore, considering all these aspects, I.A.No.XII filed by the counsel for respondent No.4 deserves to be allowed. Hence this Tribunal is of the opinion that the prayer of respondent No.4 in this case can be considered. Hence, accordingly, this Tribunal has answered point No.1 in the **Affirmative**.

12. **Point No.2:-** In view of the above discussion, this Tribunal proceeds to pass the following:

ORDER

The I.A.No.XII filed by respondent No.4 under order-XI Rule-14 read with section 151 of Civil Procedure Code is hereby **Allowed**.

**For respondent side evidence
by 12.12.2025.**

**IV Addl. Dist. and Sessions Judge,
Belagavi.**