

I.A.No.15 to 18 filed by respondent No.2 U/O.16 Rule 1 and 2, U/O.16 rule 5 and 7, U/O.8 rule 1(a)(3), U/O.16rule 5 and 7 R/w Sec. 151 of CPC respectively requesting the Court to issue summons to witness by name I.O. J.S.Nyamagowdar Basavakalyana to produce entire file pertaining to Crime No.101/2015 Harihara Town Police Station including all C.D.s and driving licence if any pertaining to the accused/Abdul Razak S/o Jaleel Sab Driver of truck/ tanker lorry bearing Reg.No.KA.17/B-7999 along with permit of lorry/truck.

Issue summons to witness by name R.T.O Mumbai (Central Pradeshik Parivahan Karyalaya, old body gurard lane, Tulsivadi Tadadev Mumbai to produce driving licence pertaining to driver/Abdul Razak Sab S/o Jaleel sab No.MH.01/386479/2006 dated 22/10/2006 copy of D.L. produced by the owner of the vehicle. Original register pertaining to issuance of D.L. produce the documents and give evidence.

Copy of the application served on other side.

The counsel for petitioner has strongly contended, present application itself is not maintainable.

Heard on both sides.

It is stated in affidavit filed in support of application that, the respondent No.1 had appeared and introduced his evidence and produced DL of the lorry driver and the same is marked as Ex.R.6. But the insurer had applied to the certified copy of the said DL from the RTO, Mumbai Central, Tulasiwadi, MDL Section, Mumbai seeking to provide the certified copy of the DL by annexing the copy of the DL produced by the Insured in his evidence. The said Authority have informed that they have not issued any DL in the name of the driver and they have informed orally that they will give evidence only upon the intimation by this Court to give evidence.

Similarly the evidence of Investigation Office who has filed the charge sheet i.e., Sri J.S.Nyamagowdara, then CPI, Harihara presently working as CPI, Basavakalyana Bidar District is very necessary in order to substantiate the defence of the Insurance Company.

It is settled proposition of law, the person in whose name vehicle standing in R.C. book is liable to pay compensation.

Hence, I proceed to pass the following

ORDER

I.A.No.15 to 18 filed by respondent No.2 U/O.16 Rule 1 and 2, U/O.16 rule 5 and 7, U/O.8 rule 1(a)(3), U/O.16rule 5 and 7 R/w Sec. 151 of CPC filed by respondent No.2 are hereby allowed.

No order as to cost.

Issue summons to I.O. Nyamagowdara CPI and RTO Mumbai as per order on I.A.No.16 and 18.

Call on :

Sd/-

Senior Civil Judge & JMFC  
Harihara.