

IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL
JUDGE & J.M.F.C., HUBBALLI

Present:

SMT. SARVAMANGALA K.M.,
B.A. LL.B.,
I Additional Senior Civil Judge and JMFC.,
Hubballi.

M.V.C.No.608/2023

Dated this the 30th day of September, 2025

Petitioner/s : Siddaramappa S/o
Hanamantappa Jabi.
.Vs.

Respondent/s : Manjunath S/o Kallappa Angadi
and another

PARTIES TO I.A. No.V

Applicant : The Royal Sundaram General
Insurance Co. Ltd.,
.Vs.

Opponent : Siddaramappa S/o Hanamantappa
Jabi.

- i. Provision under : Under Order 16 Rule 7
which application is R/w Sec.151 of CPC
filed
- ii. Relief sought for : Seeking to summon the
R.T.O. Dharwad, Gabbur,

*Tq:Hubballi, Dist:Dharwad
to produce and give
evidence pertaining to DL
bearing No.12001/2008 of
Shankargouda S/o
Jayasheelagouda Patil.*

*iii. The date on which : 03.06.2025
application is filed*

*iv. Number of the : V
application*

*v. The date on which : 05.06.2025
objections are filed
by different
opponents*

*vi. The date on which : 30.09.2025
orders were passed
on the said
application*

ORDERS ON I.A. No.V

The respondent No.2 has filed this I.A. under Order 16 Rule 7 r/w.Section 151 of C.P.C. seeking to summon the R.T.O. Dharwad, Gabbur, Tq:Hubballi, Dist:Dharwad to produce and give evidence pertaining to DL bearing No.12001/2008 of Shankargouda S/o Jayasheelagouda Patil.

2. On the other hand counsel for petitioner filed objections to this I.A.

3. Heard. perused the pleadings and materials placed on record.

4. The point for consideration is, “whether summoning of the witness mentioned in I.A. No.V is necessary to decide the real controversy between the parties?”

5. The above point is answered in the Affirmative, for the following;

REASONS

6. This is the petition filed by the petitioner seeking the relief of compensation due to the greivous injuries caused to him under RTA. When the matter is set down for respondent evidence as last chance the counsel for respondent No.2 filed the present application seeking above said relief.

7. In the annexed affidavit it is averred that the respondent No.2 is seeking to summon the R.T.O. Dharwad, Gabbur, Tq:Hubballi, Dist:Dharwad to produce the D.L. bearing No.12001/2008 issued on 02.03.2009, who is alleged to be the suspected driver i.e., ShankarGowda Patil. On perusal of the said D.L it is evident that the said person having D.L. only to ride a Motorcycle with Gear, but the vehicle involved in the accident is a Car categorized under LMV. Therefore, as per law the person must have a particular license to drive particular type of vehicle, but as per the records available to the respondent No.2 he is having only LMV license. The respondent has made out a prima facie case for necessity of examination of the witnesses mentioned in the application. Under these circumstances it is

necessary to examine the RTO who is the Technical person to say about the things and prayed to allow the I.A.

8. *The objection of the petitioner is that, the said I.A. is not maintainable and only for the purpose of dragging the matter and harass the petitioner. The petitioner is already produce the D.L. and the respondent No.2 well known about driving license is valid at the time of accident. Said witness is not a mandatory. That the respondent company set up to presumption mind with imaginary concept for escape from liability or to give compensation to the petitioner. Unnecessarily postponing on one or the other reasons and prayed to dismiss the I.A. with costs.*

9. *On perusal of the above said application and objections filed by both parties, it is noticed to the court that. The respondent no. 2 taken specific contention that Shankar Gowda Patil who is alleged to be the suspected driver, obtained a driving licence bearing Reg. No. 12001/ 2008 issued on 02.03.2009. On perusal of the said driving licence, it is evident that the said person having driving licence only to ride a motorcycle with gear. But the vehicle involved in the accident is a car categorized under LMV. Therefore they prayed for allowed the application. On perusal of the xerox copy of document produced by the petitioner, it is noticed to the court that the above said Shankara Gowda Patil, who being the driver of the said vehicle, having Motorcycle with gear along with LMV motor, non transport license. The document produced by the petitioner is a xerox copy of driving license issued by the concerned authorities with*

effect from 12.02.2009. Though the respondent no. 2 seeking an order to summon the RTO. Anyhow, in a motor vehicle's accident claims proceedings, the liability of the insurer often depends upon whether the driver possessed a valid and effective driving licence at the time of accident. Even if the petitioner has produced a xerox copy, it is not conclusive proof, as the xerox copy has no evidentiary value unless compared with and verified from the original records. The best evidence lies with the RTO who issues and maintains the register of licenses. Hence, this Court is of the opinion that summoning the RTO to produce the driving license and or its extract is permissible under Sections 65 and 66 of the Indian Evidence Act and also under Order XVI Rules 6 and 7 of CPC read with Section 169 of the Motor Vehicles Act. Which gives the Tribunal power to summon any document or any witness, if it is necessary. Therefore, the application filed by respondent no. 2 deserves to be allowed.

10. Hence, the point for consideration is answered in the Affirmative and accordingly, this court proceed to pass the following:

ORDER

The I.A. No.V filed by the respondent No.2 under Order 16 Rule 7 r/w. Section 151 of C.P.C. is hereby allowed subject to witness batta.

Consequently, issue witness summons to the R.T.O Dharwad, Gabbur, Hubballi taluk and Dharwad Dist. To produce and give

evidence pertaining to DL, bearing No.12001/08 of Shankaragouda S/o Jayasheelagouda Patil if P.F. and witness batta is deposited by respondent No.2.

*(Dictated to the Stenographer directly on computer, script corrected and then pronounced by me in the Open Court on this the **30th day of September, 2025**)*

sd/-

*(Smt. Sarvamangala K.M.)
I Addl. Senior Civil Judge and JMFC.,
Hubballi.*