

KAUP300005812021



**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
UDUPI (SITTING AT KUNDAPURA)**

Present: **Sri Abdul Rahim Hussain Shaikh,**
B.Sc., B.Ed., LL.B.(Spl.)
I Additional District Judge and Addl. MACT,
Udupi, (Sitting at Kundapura)

Dated this the 8th day of January, 2026

MVC No.629/2021

Parties to I.A. No.4:

Applicant	IFFCO-TOKIO GENERAL INSURANCE COMPANY LIMITED 2 nd Floor, J.K Tower, Main Road, Kundapura Taluk, Udupi District. (By Sri/Smt: N.V. Rao, Advocate)
	AND
Opponents	Afroz Ahamad, 28 years, S/o Shaikh Abdulla, R/o K.P. Road, Megaravalli Village, Thirthahalli Taluk, Shimoga District. (By Sri/Smt: Bannadi Somanatha Hegde, Advocate)

Parties to M.V.C No.629/2021:

Petitioner	Afroz Ahamad
	AND
Respondents	1. Smt. Mubeena and another

**ORDER ON I.A. NO. 4 FILED UNDER ORDER XI RULE 12
AND 14 R/W SECTION 151 of CPC**

The I.A. No. 4 is filed under Order XI Rule 12 and 14 R/w Section 151 of CPC by the applicant/respondent No.2 seeking production of ration card of the petitioner.

2. In the affidavit annexed along with the application contended that since the petitioner has not adduced any evidence regarding employment or income in the cross examination, the BPL ration card would help the Court to give truthful and equitable judgment about the income of quantum of compensation, for which, the document is required. Hence prays to allow the application.

3. Per contra, the petitioner has filed objection contending that the petitioner has already produced the salary certificate issued by his employer which is marked as Ex P11, establishing the avocation and income of the petitioner. It is further contending that the ration card cannot be considered as conclusive evidence regarding monthly income and employment of the petitioner. Further it is contended that the respondent No.2 has cross examined the petitioner regarding the occupation and income, for which, the said document is not necessary for disposal of the case. Hence prays to dismiss the application.

4. Heard the arguments of both the counsels.

5. Perused the materials on record, contents of the application, objection. The points that arisen for consideration of this Tribunal:

- 1) Whether the applicant has made out justifiable grounds for allowing the I.A. No. 4?
- 2) What order?

6. The above points are answered for the reasons, findings given in the foregoing paragraphs as:

Point No.1: In the Negative

Point No.2 : as per final order:

REASONS

7. **Point No.1:** In the instant case, the petitioner has examined and produced salary certificate Ex P11 to prove the avocation and income. It is pertinent to note that the respondent No.2 has cross examined the petitioner on the said aspect of avocation and income. Further it is found that the BPL card sought to be produced by the respondent cannot be a basis for determine the avocation and income of the petitioner. In view of the same, the said document sought is not required for the disposal of the case, wherein other documents regarding income and avocation is produced and respondent No.2 has elaborately cross examined the witness on the said document Ex P11 the salary certificate. Considering the said facts, the ration card is not the sole document to determine the compensation which is issued by the Government to the entire family. Considering all these facts, the applicant/respondent No.2 has not made out

grounds to allow the application. Accordingly, I answer point No.1 in the **Negative**.

8. **Point No.2:** In view of answer of this Tribunal on point No.1, this Tribunal pass the following:-

ORDER

The I.A. No.4 filed under Order XI Rule 12 and 14 R/w Section 151 of CPC, by the applicant/Respondent No.2 is hereby dismissed.

(Typed to my dictation by the Stenographer directly on Computer, corrected by me and then pronounced in open Court on this the **8th day of January, 2026**)

(Abdul Rahim Hussain Shaikh)
I Addl. District and Sessions Judge,
Udupi, (sitting at Kundapura)