

Order :

This petition is filed by the petitioner who is 2nd Respondent in the main Original Claim Petition. The petitioner has sought for examination of **RTO, Dindugul** to prove that 1st Respondent's driver was not possessing valid Driving License. **The counsel for Respondent / Injured endorsed that no objection.** This court has carefully perused the entire records of this case. This claim petition is filed by the Respondent/Injured seeking Compensation.

This petition is filed to issue summon to the official witness (RTO) to prove that **1st Respondent's Driver Mr.Stephen Raja** was not possessing valid license at the relevant date of Accident. By examining an official person from a particular RTO Office, the Insurance Company could not positively prove that the driver did not possess valid licence for the reason, the driver could have obtained licence from some other Office. Therefore, in all the cases, the Insurance Company need not examine an officer from the Regional Transport Office. In a case, where there is a dispute with regard to the genuineness of the licence produced by the owner, it can be proved by examining the official from the Regional Transport Office. Such a situation does not arise in this case on hand. (Hon'ble Madras High Court Division Bench Judgment in **National Insurance Co. Ltd -Vs - Sithiga Yasmeeen and Others in C.M.A.No.706 of 2020 on 5 April, 2022**).

When a party could, himself produce the documents from public Offices, then summoning of the public officer shall not be done. When the application for certified copy has been refused, then Court may issue summon to the witness. The summoning of witness to court is not an automatic and court has got power to refuse the summoning of witness whose examination is not necessary. This Tribunal can not make the public servants to depose evidence routinely leaving their other prime public duties. The petitioner can establish their case in another modes (Notice to owner of vehicle **to produce License**, or certified copy, or Online Copy, or Certified copy of Charge sheet) in the manner known to law. Hon'ble Madras High Court Division Bench judgment in **Oriental Insurance Company Limited -Vs - Shanthi And Another in CMA No.1411/2014 Judgment dated 10.03.2016**, had issued Direction to dispose the claim petition within a time frame of one year from the date of the numbering of the petition. However, this petition is pending **since 2023**.

In the above facts and circumstances, this petition is devoid of merits and liable to be dismissed. Accordingly, this petition is dismissed in the interest of justice. There is no order asto costs.

SPL SUB JUDGE-1, SCC.
Chennai