

Order below Exh.58 in MACP No. 16 /2021
(CNR NO.MHRT 010002842021)

Read application of applicants and say filed by opponent no.1 and 2 upon it at Exh No.59. No say filed by other opponent and so application is heard without say of other opponent. Perused the documents on record. Heard Ld. Adv. Mr. Shirgaonkar for applicants and Ld. Adv. Mr. Chile for opponent no.1 and 2.

2. The application is filed by applicants for giving exhibit number to the true copy of clearance certificate of Tata sumo vehicle number MH 01 AH 1736 produced by applicant at Exh No.7 sr. no.6. The applicants have contended in their application that they have produced true copy of clearance certificate of Tata sumo vehicle number MH 01 AH 1736 in this proceeding. The applicants have referred said document in the examination in chief affidavit of their witness. But said document is not exhibited in this proceeding. As per presumptions under the provisions of Indian Evidence Act, said document is admissible in evidence. So it is necessary to exhibit said document. So applicants have prayed to grant their application.

3. The opponent no.1 and 2 have filed their say on the application of applicants at Exh No.59 and resisted the application. The opponent no.1 and 2 have contended in their say that perusal of document produced by applicants at Exh No.7 Sr. No.6 shows that it bears xerox signature and seal of Mayor of Rajapur Municipal Council and thereafter police have made true copy over it and handed over it to the applicants. The applicants have not mentioned anything about the

custody of person from whom they acquired said document. To exhibit said document, applicants should have examined the officers of RTO department. But even after having opportunity to the applicants to examine those officers as witness in this case, applicants closed their evidence without examining them. So, the document at Exh No.7 Sr. No.6 may not be exhibited and application of applicants may be rejected.

4. Ld. Adv. Mr. Shirgaonkar has argued for applicants that the document at Exh No.7 Sr No.6 which is copy of clearance certificate issued in favour of opponent no.1 by RTO office in respect of vehicle of Sumo involved in the accident for which claim petition is filed by the applicants is public document. The opponent no.1 and 2 have not denied that any such document was ever issued by RTO department. So, said document, if exhibited, then opponents may not suffer any prejudice. So he has prayed to grant the application.

5. Ld. Adv. Mr. Chile has argued for opponent no.1 and 2 that the document at Exh No.7 Sr. No.6 sought to be exhibited by the applicants is xerox copy of clearance certificate and so it cannot be exhibited. If, applicants would have wanted to exhibit it, then they should have examined officer of RTO department to prove it. But applicants have not done so. In absence of such evidence, said document cannot be exhibited. So, he has prayed to reject the application of applicants.

6. The opponent no.1 and 2 have filed their say to the claim petition of applicants at Exh. No.20 and they have admitted that accident of Pravin Narkar was happened on 15/08/2019 while riding a motor cycle which dashed against Tata sumo vehicle and said Tata sumo

vehicle was purchased by opponent no.1 from Anant Padhye. The document produced by applicants at Exh No.7 Sr. No.6 shows that it is a copy of clearance certificate issued by Motor Vehicle Department Borivali in respect of Sumo vehicle which is involved in the accident of Pravin Narkar and said vehicle is shown in the name of opponent no.1 in it. Though it is copy of original clearance certificate, it bears copy of QR code of the department as well as online portal name over which the contents of said clearance certificate can be verified. Considering these facts, as opponent no. 1 and 2 have not specifically denied the clearance certificate issued in the name of opponent no.1 in respect of Tata sumo vehicle involved in accident of Pravin Narkar, exhibiting of said document may not cause any prejudice to the opponents. Hence, it is proper to exhibit said document in the interest of justice. Hence, I pass following order.

ORDER

1. The application is allowed.
2. The document produced by applicants at Exh No.7 Sr. No.6 which is copy of clearance certificate in the name of opponent no.1 shall be exhibited.
- 3 CC to comply.

Date : 04/03/2026

(Samir G. Baokar)
MEMBER
MACT, Ratnagiri

CERTIFICATE

I affirm that the contents of this pdf file order are same words as per original order.

Name of Stenographer : A.A. Shivalkar
Court Name : MEMBER MACT, Ratnagiri
Date of Order : 04/03/2026
Order Signed by P.O. on : 04/03/2026
Order uploaded on : 05/03/2026