



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.35007 of 2025

Debananda Behera

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Petitioner(s)

Mr. Anirudha Das, Advocate

-versus-

Rukmani Bai & Ors.

Opposite Party(s)

CORAM:

THE HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

12.12.2025

Order No.

01. 1. This matter is taken up through hybrid arrangement.
2. The Petitioner, by filing this Writ Petition, has made a prayer to quash the impugned order dated 12.11.2025 passed by the learned ADJ-cum-7th MACT, Kantabanji in MAC No.8 of 2022 by directing the Court below to proceed with the case and allow his prayer to issue summon to the Branch Manager, Sriram Finance, Bolangir-Opposite Party No.4.
3. Learned counsel for the Petitioner submits that the Opposite Party Nos.1 to 3 had initiated a case before the ADJ-cum-7th MACT, Kantabanji in MAC No.8 of 2022 claiming compensation due to the accident as occurred. After initiation of the proceeding, notice has been issued



to the present petitioner. Accordingly, he appeared before the Court below and filed his WS and a petition under Order-16 Rule-6 & 7 read with Section 151 of the C.P.C. stating that the owner of the offending vehicle in order to change his ownership completed all the paper works before the Agent Officer of the RTO, Bolangir. After completion of the paper work at RTO, Bolangir, the present petitioner had furnished all his original documents and submitted all papers before Sriram Finance, Bolangir for a loan and transfer of the ownership of the vehicle before the Branch Manager, Sriram Finance, Bolangir. Accordingly, all the things have been materialized before the Branch Manager, Sriram Finance, Bolangir. Presumption is that the ownership of the said offending vehicle might have been transferred to the name of the person, for which a petition was filed before the Court below to issue summon to the Branch Manager, Sriram Finance, Bolangir for adducing evidence and executing the records in order to secure the ends of justice.

4. While the matter has been taken up by the learned Court below on 12.11.2025 the Court below somehow or other heard from both the sides and passed order stating therein that the ownership of the offending vehicle was not



changed on the date of accident, so to call for the documents and to summon the Branch Manager, Sriram Finance, Bolangir in his opinion will not throw any light into the case and will be a futile exercise as because the ownership was changed on the date of accident and petitioners have rightly submitted that Opposite Party No.1 is trying to linger the proceeding, rejected the same without appreciating the evidence on record.

5. While a petition has been filed to summon the person concerned in order to unearth the true state of affairs at least it is expedient and in the interest of justice the court below taking the plight of the petitioner should have issued notice to the Branch Manager, Sriram Finance, Bolangir to produce the documents and examine him as witness while considering the materials on record. But, without doing so, the court below proceeded and rejected the prayer of the petitioner which is contrary to law.

6. Considering the submissions made by the learned counsel for the Petitioner and on going through the averments made in this Writ Petition, this Court is of the view that allowing the Branch Manager, Sriram Finance to examine shall throw light on the fact of transferring the ownership of the vehicle.



7. In such view of the matter, this Court set aside the order dated 12.11.2025 passed by the learned ADJ-cum-7th MACT, Kantabanji in MAC No.8 of 2022. The Court below is directed to proceed with the case and issue summon to the Branch Manager, Sriram Finance, Bolangir/Opposite Party No.4.
8. The Writ Petition stands disposed of, accordingly.

(Dr. Sanjeeb K. Panigrahi)
Judge

Gitanjali