
(2015) 01 RAJ CK 0190
In the Rajasthan High Court
Case No : Civil Writ Petition No. 9940/2014

Sonu Saini

APPELLANT

Vs

Akram and Others

RESPONDENT

Date of Decision : 09-01-2015

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2015) 1 WLN 450

Hon'ble Judges : Sangeet Lodha, J.

Bench : Single Bench

Advocate : Vikas Phophalia, for the Appellant

Final Decision : Dismissed

Judgement

Sangeet Lodha, J.—This writ petition is directed against order dt. 29.10.14 passed by the Motor Accident Claims Tribunal, Parbatsar, whereby Motor Vehicle Licensing Authority, Mathura has been summoned for examination as witness. The petitioner filed a claim petition claiming compensation for the injuries sustained in a motor vehicle accident. The driving license of the driver of the vehicle involved in the accident produced on behalf of the claimant stands exhibited in evidence. On inquiry being made, the Insurance Company of the vehicle came to know that the driving license produced is fake. In this regard, information supplied by the Licensing Authority, Mathura is placed on record by the Insurance Company as Exhibit NA/1.

2. The Insurance Company made an application for summoning the Licensing Authority of Mathura for examination as witness. After due consideration, the application has been allowed by the Tribunal. Hence, this petition.

3. Learned counsel for the petitioner contended that the application has been filed by the Insurance Company just to delay the proceedings and therefore, the application should have been rejected by the Tribunal. Learned counsel submitted that despite several opportunities being granted, the Insurance Company has not

led the evidence and therefore, there was no requirement for summoning the witness as prayed for.

4. It is to be noticed that the Insurance Company has placed on record the information supplied by the Licensing Authority of Mathura certifying that the record relating the license produced by the petitioner and exhibited in evidence, is not available in his office. According to the Insurance Company, the license produced by the petitioner is fake. In this view of the matter, the Tribunal considered it appropriate to summon the witnesses as prayed for.

5. In the considered opinion of this Court taking into consideration the totality of the facts and circumstances of the case, the order impugned passed by the Tribunal exercising its discretion does not suffer from any jurisdictional error so as to warrant interference by this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India. In the result, the petition is dismissed in limine.