



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 308 of 2026

- 1 - Suresh Tandi S/o Late Shri Ramkar Tandi, Aged About 59 Years
 - 2 - Geeta Tandi W/o Suresh Tandi Aged About 56 Years
 - 3 - Sapna Tandi D/o Suresh Tandi Aged About 32 Years
 - 4 - Dulamani Tandi S/o Suresh Tandi Aged About 30 Years
 - 5 - Sasmita Tandi D/o Suresh Tandi Aged About 26 Years
- All R/o 01/30 Housing Board, Saddu, Raipur (C.G.)

... **Petitioner(s)**

versus

- 1 - Abijit Mandal S/o Gostaranjan Mandal, R/o Jodinga, Raigarh, District-Nabarangpur, Odisha -764074
- 2 - Ashok Leyland Limited , Through Its Director, Having Registered Address No. 1, Sardar Patel Road, Guindy, Chennai, Tamil Nadu - 600032
- 3 - Cholamandalam M.S. General Insurance Company Limited, Through Its Director Having Its Registered Address Dare House , 2nd Floor Nsc Bose Road Parrys, Chennai , Tamil Nadu -600001

... **Respondent(s)**

For Petitioners : Shri Vivek Chopda, Advocate.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

17.03.2026

1. This petition under Article 227 of the Constitution of India has been filed by the petitioners against the order dated 09.05.2025 passed by the 12th Additional Motor Accident Claims Tribunal, Raipur (in short, the Tribunal) in Claim Case No. 867 of 2023, whereby the application filed by the petitioners under Order 16 Rule 6 of CPC has been rejected.
2. Learned counsel for the petitioners would submit that the petitioners are prosecuting a Claim Case before the concerned Tribunal for compensation on account of death of son of applicants No.1&2 and

brother of applicants No.3 to 5. From the information obtained through FIR as well as other sources, the petitioners who are the claimants before the Tribunal, have arrayed Cholamandlam M.S. General Insurance Company Ltd. as non applicant No.3, however, they denied the fact of insurance of subject vehicle Truck bearing registration No.OD-24-C-4953. He would further submit that the owner of the said vehicle i.e. non applicant No.1 is not appearing in the case and he proceeded ex parte. He submits that in a condition where non applicant No.1 proceeded ex parte and non applicant No.3 denied its liability on account of fact that he has not insured the said Truck, there is every possibility that even if claimants succeed in their claim case, it would only be a paper decree which would be ultimately passed in their favour and it could not be executed in absence of owner or insurer of the vehicle. To avoid controversy in the case and for proper adjudication of the dispute, the petitioners moved filed an application under Order 16 Rule 6 of CPC before the trial court for a direction to the registering authority of the said Truck No.OD-24-C-4953 i.e. the Regional Transport Authority, Navrangpur, Odisha, for production of registration document of the said Truck. He would further submit that the petitioners only want to produce the documents of registration papers of the subject Truck and do not want to lead or collect any evidence. Though the trial court has observed in its order that it is the burden of applicants to prove their case, however, the application made by the applicants have been rejected holding that by way of application, the evidence cannot be collected. Therefore, they have filed the present writ petition.

3. I have heard the counsel for the petitioners and perused the material annexed with the petition.
4. The subject application in the present writ petition is the application filed under Order 16 Rule 6 of CPC by which the petitioners sought production of documents from the concerned Regional Transport Office, Navrangpur, Odisha who is the registering authority of subject Truck No.OD-24-C-4953. In view of submissions made by the counsel for the petitioners that non applicant No.1 is proceeded exparte, which also reflected from the order sheet dated 09.05.2025 and that the non applicant No.3-insurance company have denied their liability on the ground that they have not insured the subject Truck No.OD-24-C-4953, the apprehension of petitioners have force that only a paper decree would be passed if the claimants succeed in claim case and further, even after passing of award, its execution would be difficult in absence of proper representation of the parties or insurance details of the subject vehicle. From perusal of application Annexure P/5 it also transpires that they sought production of document with respect to registration of subject Truck.
5. Order 16 Rule 6 of CPC provides for issuance of summons to produce documents for which they filed their application. It further appears that even if application of the petitioners is allowed, no prejudice would be caused to any of the parties as it is only a process to call the evidence to decide the dispute finally. Further, considering that the provisions under the Motor Vehicles Act are beneficial in law to advance substantial justice to the affected party, the trial court ought to have allowed the application under Order 16 Rule 6 of CPC and directed the

concerned Regional Transport Authority to produce relevant documents of the subject vehicle No.OD-24-C-4953.

6. Considering the entire material produced by the petitioners and also in view of provisions of Order 16 Rule 6 of CPC, this court is of the opinion that the petitioners have made out their case for interference with the impugned order dated 09.05.2025 passed by the trial court.
7. Accordingly, the writ petition is allowed. The impugned order dated 09.05.2025 (Annexure P/1) is set aside. The application filed by the petitioners under Order 16 Rule 6 of CPC is allowed. The trial court is directed to issue summons to the concerned Regional Transport Authority, Navrangpur, Odisha, for production of registration documents of Truck No.OD-24-C-4953. Expenses of such proceeding shall be borne by the petitioners/claimants. It is made clear that summons to concerned Regional Transport Authority be issued only to produce the relevant documents of said Truck and by the said process the claimants are not entitled to examine the said RTO as a witness of fact in their case and the order restricts only with respect to production of relevant documents of offending Truck in question.
8. With the aforesaid observations, the writ petition stands allowed.

Sd/-
(Ravindra Kumar Agrawal)
Judge