AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1938 OF 2020

The New India Assurance Co. Limited … Petitioner
V/s.
Hemant Todkar, deceased through
legal heirs & Another … Respondents

AND
WRIT PETITION NO.3675 OF 2020

The New India Assurance Co. Limited … Petitioner
V/s.
Mandakini Sambhajirao Todkar
& Another … Respondents

ATUL GANESH KULKARNI
Digitally signed by ATUL GANESH KULKARNI
Date: 2026.10.19 19:27:10 +0530

Ms. Poonam Mittal for the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 19, 2026

P.C.:

1. In both these petitions, the Petitioner challenges the orders passed by the Motor Accident Claims Tribunal rejecting the applications filed by the Insurance Company seeking permission to produce documents on record. The principal issue arising for consideration is whether, in the facts and circumstances of the case, the Tribunal was justified in refusing permission to produce the documents.

2. The reason assigned by the Tribunal for rejecting the applications is that no ground was stated for producing the documents at a later stage. However, upon perusal of the record, it appears that the Petitioner had not yet closed its evidence when the applications were filed. The proceedings were still at the stage of leading evidence on behalf of the Petitioner. Therefore, the applications were made before completion of the Petitioner's evidence, and the request for production of documents ought to have been considered in the light of the stage of the proceedings and the relevance of the documents to the adjudication of the claims.

3. In these circumstances, in my opinion, the Tribunal ought not to have adopted an unduly technical approach in rejecting the applications. The purpose of permitting production of relevant documents is to ensure that the Tribunal has the necessary material before it for proper adjudication of the rights and liabilities of the parties. When the Petitioner's evidence had not been closed, refusal to permit production of documents merely on the ground that sufficient reasons for their belated production had not been stated would result in unnecessarily restricting the material available for adjudication. The Tribunal ought to have considered whether the documents were relevant and whether their production would cause any prejudice to the Respondents which could not be adequately addressed by imposing appropriate conditions.

4. The Respondents, though duly served, have chosen not to appear before this Court. It further appears that the proceedings

before the Tribunal have remained stayed since the filing of these petitions. The Petitioner has also deposited costs of Rs.10,000/- in Writ Petition No.1938 of 2020 and Rs.5,000/- in Writ Petition No.3675 of 2020. In the facts of the present case, the payment of these costs would compensate the Respondents for the inconvenience and prejudice, if any, caused by permitting production of the documents at this stage. No sufficient reason is shown for denying the Petitioner an opportunity to place the documents on record, subject to the Tribunal ensuring that the Respondents are afforded an appropriate opportunity to deal with them.

5. Considering the stage at which the applications were filed, the fact that the Petitioner's evidence had not been closed, and the need to enable the Tribunal to adjudicate the claim petitions on the basis of relevant material, I am of the opinion that the applications seeking permission to produce documents ought to have been allowed. The impugned orders, therefore, cannot be sustained and are liable to be set aside. Hence, the following order is passed:

(a) Rule is made absolute in terms of prayer clause (a) in both the petitions;

(b) The Tribunal shall endeavour to decide the claim petitions within a period of one year from today;

(c) The amounts deposited towards costs in both the petitions shall be transmitted to the concerned Tribunal for payment to the respective Respondents;

6. Both the writ petitions stand disposed of in the above terms. There shall be no order as to costs.

(AMIT BORKAR, J.)