

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7384 OF 2017

Bajaj Allianz General insurance Co. Ltd. ... Petitioner

Vs.

Shri Jayalal Tikdhari Jaiswal & anr. ... Respondents

Mr.D.S. Joshi for the Petitioner

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 3, 2017**

P.C. :

1. Not on Board. Upon urgent mentioning, taken on Production board.
2. In this petition, the order dated 19.6.2017 passed below exhibit 42 and 22.6.2017 passed by the Member, MACT, Thane, below exhibit 47 in MACP No.661 of 2012, are under challenge.
3. The petitioner Insurance company has applied for witness summons which is to be issued to the District Transport Officer, Hazaribag R.T.O., Jharkhand. Though the summons was served on his office, the officer did not remain present and therefore, applications were made for bailable warrant and non-bailable

warrant against the officer namely, Shabbir Ahmed, District Transport Officer, Hazaribagh RTO, Jharkhand. The learned Member, MACT, has rejected the application to issue the warrant against the officer.

4. Considering the case, in my view, the order passed by the learned Member, MACT, Thane, rejecting the application to issue warrant against the District Transport Officer, Hazaribagh RTO, Jharkhand, cannot be faulted with. However, the insurance company's grievance and the problem is also to be sorted out by issuing appropriate directions as under:

ORDER

i) The learned Member, MACT, Thane shall issue one more witness summons in the name of the officer namely Shabbir Ahmed, District Transport Officer, Hazaribagh RTO, Jharkhand and also in the name of the District Transport Officer, Hazaribagh RTO, Jharkhand.

ii) If Mr.Shabbir Ahmed is the one who is presiding over, the said officer, then, he shall be asked to remain present alongwith necessary documents and if he is transferred or

not holding charge of the said office, then, the person who is presiding over the said office, shall be asked to accept summons. The RTO officer himself may attend the MACT, Thane or he may depute some responsible officer alongwith all the documents.

iii) The learned Member, MACT, Thane shall in the said summons specifically mention that if the concerned officer fails to appear, then, the Tribunal will be constrained to issue warrant against the concerned officer.

5. Writ Petition is disposed of in the above terms.
6. All concerned to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)