

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**WRIT PETITION NO.6128 OF 2023**

(Aniruddha s/o Anand Ganvir thr. natural guardian father Anand s/o Baliram Ganvir  
Vs. Sanjivani w/o Govindrao Makde)

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.*

*Court's or Judge's orders.*

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Mr. Abdul Subhan, Advocate for Petitioner.

**CORAM: ANIL S KILOR, J.**

**DATE: 13<sup>th</sup> SEPTEMBER, 2023.**

The order below Exh.1 dated 19.08.2023 is under challenge in this writ petition. The said order reads thus:

*From the medical certificate filed in this matter, as also the discharge card, it is apparent that the petitioner has suffered multiple abrasion over elbow and back. However, the disability certificate dated 03-10-2019 issued by Dr. Nitin Kimmatkar has been filed on record showing 5% permanent disability. This prima facie on the face of it, appears to be a false document. In such circumstances, petitioner and his Advocate to file an explanation as to why further action ought not to be taken in the matter against all concern, within a period of one week from today.*

2. From the order it is apparent that the Court has not yet reached to any conclusion about the genuineness of the medical certificate. However, time to file an explanation

as to why further action ought not to be taken in the matter against all concern, has been granted.

3. The grounds raised in the petition can be raised while submitting the explanation which the learned lower Court will consider on merit. Before making any submission and filing explanation, filing of the present writ petition is premature.

4. Accordingly, the writ petition is disposed of. The learned Principal District Judge is directed to consider the explanation if any submitted by the petitioner, including whether the stage at which the Court has called explanation on genuineness of the medical certificate is the proper stage or such explanation would be called after the evidence of the Doctor.

(ANIL S. KILOR, J.)