

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

WRIT PETITION NO.6131 OF 2023

(Sujal s/o Manoj Kamble thr. natural guardian Mother, Rajani w/o Manoj Kamble Vs.
Sanjivani w/o Govindrao Makde)

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

Court's or Judge's orders.

Mr. Abdul Subhan, Advocate for Petitioner.

CORAM: ANIL S KILOR, J.

DATE: 13th 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 CLW of 1 x 2 cm over left parental region with multiple abrasion. 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.)