

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8349 OF 2024

Sachin Govind Pawar

...Petitioner

V/s.

Ramesh Ramchandra Bodake and
Anr.

...Respondents

Mr. Niketan S. Nakhawa *for the Petitioner.*

Mr. Sarthak S. Diwan *for Respondents*

CORAM: SANDEEP V. MARNE, J.

Dated: 9 April 2025.

P.C.:

1. Petition challenges order dated 28 August 2023 and 13 September 2023 passed by the Member, Motor Accident Claims Tribunal, Mumbai, rejecting the application for issuance of summons to Accounts Officer of Shree Hospital as well as rejecting the application for re-opening of the evidence.

2. It appears that the Petitioner had filed application dated 22 November 2022 for issuance of witness summons to Shree Hospital for proving medical bills of treatment availed by him in that hospital. The said application was allowed on 23

November 2022 and summons were issued. Petitioner has not disclosed in the entire petition that such application dated 22 November 2022 was filed and the same was allowed. There is no explanation in the petition as to what happened in pursuance of the issuance of the said witness summons. Without disclosing the fact that witness summons was already issued on 23 November 2022 to Shree Hospital, Petitioner casually filed one more application on 28 August 2023 for issuance of witness summons to the said Hospital. After the application was rejected on 28 November 2023 Petitioner filed application for reopening of the evidence in which he chose to suppress the position that witness summons were earlier issued on 23 November 2022 in pursuance of application dated 22 November 2022. Even in the present Petition, this position is suppressed. In that view of the matter, this Court is not inclined to exercise the jurisdiction under Article 227 of the Constitution of India. Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]