



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1577 OF 2025**

Iffco Tokio General Insurance Company Ltd.	...	Petitioner
versus		
The State of Maharashtra	...	Respondent

Mr. Nikhil Mehta, for Petitioner (through VC).
Ms. Sulbha Chipade, AGP for State.

CORAM: N.J.JAMADAR, J.

DATE : 5 FEBRUARY 2025

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 21 August 2024 passed by the learned Member, Motor Accident Claim Tribunal, Nashik, whereby the application preferred by the Petitioner / Respondent No.2 – Insurer, to summon Dhanraj Pardhi, Police Head Constable, then attached to Ghoti Police Station, as a Court's witness came to be rejected, giving liberty to the Insurer to call the said witness as its own witness.
3. Mr. Mehta, learned Counsel for the Petitioner submits that the Investigating Officer may not respond to the request of the Insurer to appear as a witness.
4. From the perusal of the application (Exh. 46), it becomes evident that the Petitioner was insisting for calling the said witness as the Court's witness. The Tribunal has rightly rejected the application to call the said witness as the

Court's witness. No party can insist for calling a particular witness as the Court's witness. It is the prerogative of the Court to summon a witness as the Court's witness. The impugned order indicates that the Court has not foreclosed the option of the Insurer to summon the witness as its witness. Thus, there is no infirmity in the impugned order.

5. The Writ Petition stands dismissed with liberty to the Petitioner to seek summons to Dhanraj Pardhi as its witness.

6. In the event, such an application is filed, the Tribunal shall decide the same on its own merits and in accordance with law.

(N.J.JAMADAR, J.)