



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

Civil Application [APPW] No.156 of 2025
in
Criminal Writ Petition No.492 of 2025

Shri Shishir s/o Naresh Dongre
vs.

*State of Maharashtra, through its Secretary, Maharashtra Transport Department,
Mumbai and others*

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. R.D. Tajne, Advocate for the Petitioner.
Mr. A.B. Badar, A.P.P. for Respondent Nos.1 & 2.*

CORAM : ANIL L. PANSARE & M.M. NERLIKAR, JJ.

DATE : 21st JULY, 2025.

Leave to correct the word "committed" as "omitted" in paragraph No.H is granted. Correction be made forthwith.

02. On 30/06/2025, following order was passed:

"Heard.

2. *At the outset, learned Advocate for the petitioner seeks leave to amend the petition to bring on record the notification whereby the provision of over-speeding is omitted from the charges under which the licence can be suspended.*

3. *The learned Advocate for the petitioner raises a challenge to the suspension of driving licence of the petitioner issued under the Motor Vehicles Act on the ground that no hearing was granted, thereby violating the principles of natural justice and on the ground on which the licence came to be suspended is not available in view of the notification dated 31.3.2021 omitting Item 9 in Rule 21 of the Central Motor Vehicles Rules. He, therefore, submits that now over-speeding cannot be the ground for suspension of licence. In that view of the matter, issue notice to the respondents returnable on 21.7.2025.*

4. *Mr. S.S. Hulke, learned A.P.P. waives notice for the respondent Nos.1 and 2.*

5. *The petitioner is permitted to serve the respondent Nos.3 and 4 by private mode of service in addition to regular mode of service.*

6. *In the meantime, there shall be stay to the order of suspension of licence dated 4.4.2025.”*

03. As could be seen by way of amendment, the petitioner intends to raise a plea that overspeeding cannot be a ground for suspension of driving licence.

04. Considering the stage of the proceedings and the grounds put forth in the application, we deem it appropriate to allow the application.

05. The application is accordingly allowed. Necessary amendments be carried out within a week from today. Amended copy be supplied to the other side.

06. Once the amendment is carried out, notice be issued to respondent Nos.3 and 4, returnable on **18th August, 2025**.

07. In addition to usual mode of service, the petitioner shall serve the respondents by speed post and shall file affidavit of service.

(M.M. Nerlikar, J.)

(Anil L. Pansare, J.)

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