



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 WRIT PETITION NO. 701 OF 2026

PAGARIYA AUTO PVT LTD THROUGH ITS AUTHORISED SIGNATORY

VERSUS

MAHAVIR MANOHAR WAIKOS DEAD AND OTHERS

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Mr. K. F. Shingare, Advocate for the Petitioner

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 23rd JANUARY, 2026

P. C. :-

1. The present Writ Petition takes exception to order dated 15.09.2025 passed below Exhibit 45 in M.A.C.P M.A.No. 81 of 2025 by District Judge-1 and Addl. Sessions Judge, Paithan.

2. The Petitioner suffered award in M.A.C.P No. 321 of 2017 passed under Section 166 of Motor Vehicles Act by Motor Accident Claims Tribunal at Aurangabad. The Petitioner filed M.A.C.P M.A. No. 9 of 2021 seeking review of judgment and award passed by Tribunal. In that proceedings, Petitioner filed an application below Exhibit 45 seeking issuance of witness summons to RTO, Aurangabad, purportedly to prove Trade Certificate by RTO, Aurangabad. The Tribunal rejected said application, observing that judgment in claim petition has been already passed and permitting Petitioner to lead

evidence in review would amount to reopening of case, which is not permissible.

3. Mr. K. F. Shingare, learned Advocate appearing for Petitioner submits that Petitioner intends to bring on record Trade Certificate along with terms and conditions mentioned therein, and for that purpose seeks to examine RTO i.e. author of the document. The Tribunal has already allowed production of document, but observed that exhibition of document would be considered at the time of decision in Review Application. In this backdrop application was filed seeking issuance of witness summons to RTO.

4. Admittedly, Tribunal has decided M.A.C.P No. 321 of 2017 and fixed liability against Petitioner. The Petitioner has filed Review Application on grounds specified. The Petitioner has also tendered certified copy of Trade Certificate from RTO in support of grounds raised. The Tribunal has also allowed production of Trade Certificate. Now it is for the Tribunal to consider grounds of review on the basis of documents tendered by Petitioner. The Tribunal is justified in observing that, while deciding review, leading of evidence in respect of supporting documents cannot be permitted since that would amount to reopening of proceeding under review which is already decided. The contention of Petitioner that he requires to prove the documents

so that it can be exhibited and admitted in evidence cannot be considered till the Review Application is decided on merits. If Tribunal allows the Review Application, in that case Petitioner may be granted liberty to lead evidence to prove Trade Certificate in main claim petition. At this stage, Tribunal may prima facie consider contents of documents tendered in support of review. Formal proof of such document is not necessary in review proceeding.

5. In that view of matter, this Court does not find any merit in Writ Petition, the Writ Petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

ssp