

MACP No. 926 of 2018
ORDER BELOW EXH.43

The learned counsel for the applicant has filed the application for adjournment stating the reason therein that the hospital has received the summon on 23.01.2026 and record being very old, the time is required for searching the documents. Hence, prayed for grant of adjournment.

2. Perused the application and the record.

3. The record shows that the matter is pertaining to year 2018 and as applicant failed to lead the evidence despite of framing of issues on 05.06.2023 vide Exh.17, the side of the applicant was closed. However, the Ld. Counsel for the applicant filed the application vide Exh.20 for setting aside the order dtd.07.01.2026 wherein the side of the applicant was closed and the said application was granted by the Court in the interest of justice.

3. The record also shows that on 14.01.2026 the applicant filed the affidavit vide Exh.23 wherein the evidence of AW1 was recorded and the matter was kept for further evidence from the side of applicant. Record also shows that on 19.01.2026 the applicant examined another witness and filed an application for issuance of summons in the matter which was granted.

4. Today, the report of service of summons vide Exh.42 discloses that the summons is duly served upon the witness. However, none appeared in the matter. Considering the reason

mentioned in the application, I am of the opinion that one last chance can be granted to the applicant in the matter, in the interest of justice. Hence, the order.

ORDER

1. Application is hereby allowed.
2. Applicant is directed to expedite the matter as the same is pertaining to the year 2018 which is 8 years old matter.
3. It is made clear that if on the next date, if the matter is not proceeded positively from the side of applicant, his side shall be closed.

Date : 28.01.2026
GDE

(M. I. Arland)
Chairman,
MACT, Mumbai