

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

OP(C).No. 2489 of 2015 (O)

OS.NO.151/2001 OF SUB COURT, MUVATTUPUZHA.

PETITIONER/PLAINTIFF:

**JAYAN, S/O.SIVASANKARAN,
KUREEKATTUPUTHENPURAYIL HOUSE,
MEKKADAMPU KARA, VALAKOM VILLAGE.**

BY ADV. SRI.C.DILIP

RESPONDENT/DEFENDANT:

**BABY, S/O.JOSEPH, KAKKANATTU HOUSE,
MEKKADAMPU KARA, VALAKOM VILLAGE,
MUVATTUPUZHA TALUK, PIN - 683 556.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 15-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE PHOTOSTAT COPY OF THE PLAINT DATED 17.8.2011 IN OS.NO.151/2011 ON THE FILE OF SUB COURT, MUVATTUPUZHA.
- EXT. P2 : TRUE PHOTOSTAT COPY OF WRITTEN STATEMENT DATED 29.8.2011 IN OS.NO.151/2011 ON THE FILE OF SUB COURT, MUVATTUPUZHA.
- EXT. P3 : TRUE HANDWRITTEN COPY OF THE CERTIFICATE DATED 6.5.2014 ISSUED BY THE MEDICAL BOARD.
- EXT. P4 : TRUE COPY OF I.A.NO.681 OF 2015 IN OS.NO.151/2011 DATED 20.8.2015 ON THE FILE OF SUB COURT, MUVATTUPUZHA.
- EXT. P5 : TRUE COPY OF I.A.NO.682 OF 2015 IN OS.NO.151/2011 DATED 20.8.2015 ON THE FILE OF SUB COURT, MUVATTUPUZHA.
- EXT. P6 : TRUE PHOTOSTAT COPY OF ORDER DATED 10.9.2015 IN I.A.NO.681 OF 2015 IN OS.NO.151/2011 ON THE FILE OF SUB COURT, MUVATTUPUZHA.
- EXT. P7 : TRUE PHOTOSTAT COPY OF ORDER DATED 10.9.2015 IN I.A.NO.682 OF 2015 IN OS.NO.151/2011 ON THE FILE OF SUB COURT, MUVATTUPUZHA.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. ABRAHAM MATHEW, J.

O.P.(C) No.2489 of 2015

Dated this the 15th day of October, 2015

J U D G M E N T

Petitioner is the plaintiff in O.S.No.151 of 2011 on the file of Sub Court, Muvattupuzha. The suit is for compensation for personal injuries. On his application District Medical Board was directed to issue a certificate of disability. Accordingly, the Board has issued a certificate showing that he has permanent disability of 6%. The petitioner filed IA.No.681 of 2015 to direct the State Disability Assessment Board to examine him and issue a certificate of disability. By Ext.P7 order the learned Sub Judge has dismissed it. Its correctness is challenged.

2. Unless the Petitioner proves that the certificate issued by the District Medical Board is not acceptable, he cannot make a request to refer the matter to State Disability Assessment Board. Admittedly, he has taken no steps to prove that the certificate now available is not acceptable. So I do not find anything wrong in the impugned order. But if he later proves that it is not

acceptable, the learned Sub Judge may give him an opportunity to get a certificate from the State Disability Assessment board.

In the result, this O.P is dismissed with the above observation.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge