

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.8730 of 2016

Date of Decision.23.12.2016

Rakesh Kumar

.....Petitioner

Vs

Motor Accident Claims Tribunal and others

.....Respondents

Present: Ms. Amandeep Kaur, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Learned counsel for the petitioner contends that it has been categorically stated in the application (Annexure P-1) dated 12.12.2016 that the claimant-petitioner had approached the Civil Hospital, Phase VI, Mohali for assessment of permanent disability but they have refused to entertain the request without any direction given by the Court. It is in this backdrop of the matter, the application was moved which has erroneously been dismissed on the premise that no such direction is required to be given by the Court.

I have gone through the application and the relevant para No.3 of the application reads as under:-

“3. That the claimant had approached Civil Hospital-Phase-VI Mohali directly for assessment of permanent disability but the authority have straightway refused to entertain without any direction given by this Hon'ble Court. They say that since they are getting direction from MACT, Mohali in may injury cases, therefore without direction they will not assess the disability of the claimant.”

In such type of situation, the person would be handicapped as

there is categoric averment in the application, supported by affidavit, that unless and until there is direction by the concerned Court, which has seized of the matter, there can be no examination for assessment of the permanent disability.

In the present claim petition, there is averment that he had met with a roadside accident on 25.10.2015 and received fractures of both hip joints, fracture left leg and other multiple injuries and was admitted in PGI.

I am of the view that for just and factual adjudication of the claim petition seeking compensation for the alleged injuries suffered in the accident, the Court ought to have issued the direction. Accordingly, the impugned order is set aside. Direction is issued to the SMO, Civil Hospital, Phase-VI, Mohali to assess the permanent disability of the petitioner by constituting a Medical Board, by examining him and his medical record.

The revision petition stands allowed.

(AMIT RAWAL)
JUDGE

December 23, 2016

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No