

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.4441 of 2011
& M.P.No.1 of 2011

R.George ... Petitioner

Vs.

1.R.Mahesh

2.The Manager,
United India Insurance Co.Ltd.,
No.235, N.M.road
Avadi, Chennai-600 054. .. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 11.11.2011 made in I.A.No.611 of 2011 in M.C.O.P.No.489 of 2007 on the file of the Additional District Court, Fast Track Court-III, Thiruvallur.

For Petitioner : Mr.A.R.Suresh
For R1 : Not ready in notice
For R2 : No appearance

ORDER

The Civil Revision Petition is filed against the order dated 11.11.2011 made in I.A.No.611 of 2011 in M.C.O.P.No.489 of 2007

on the file of the Additional District Court, Fast Track Court-III, Thiruvallur.

2. The petitioner is the claimant, respondents 1 & 2 are the respondents in M.C.O.P.No.489 of 2007. The petitioner filed the said M.C.O.P. claiming a sum of Rs.8,00,000/- as compensation for the injuries sustained by him in the accident that occurred on 14.04.2007. During his examination, he marked a certificate issued by Aravind Eye Hospital, Thirunelveli, as Ex.A4. In the said certificate, the date was wrongly mentioned as 10.02.2007. The petitioner approached the hospital authorities and they corrected the typographical error and issued correct certificate mentioning the date of examination on 10.07.2007. The petitioner filed I.A.No.611 of 2011 for reopen the case for the purpose of marking the medical report issued by the Aravind Eye Hospital on 08.01.2011. The respondents did not file any counter. The learned Judge dismissed the application.

3. Against the said order of dismissal dated 11.11.2011 made in I.A.No.611 of 2011, the present civil revision petition is filed by the petitioner/claimant.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. From the materials on record, it is seen that the learned Judge without assigning any reason dismissed the application filed by the petitioner for reopen the case. Considering the fact that the hospital authority in Aravind Eye Hospital, Thirunelveli, have committed an error in mentioning the date of examination as 10.02.2007 instead of 10.07.2007 and issued a certificate mentioning the correct date of examination, the petitioner is entitled to mark the correct medical certificate in order to prove his case.

6. For the above reason, the order of the learned trial Judge dated 11.11.2011 is hereby set aside and the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
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V.M.VELUMANI, J.

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To

The Learned Additional District Judge
Fast Track Court-III,
Thiruvallur.



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