



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty First day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
and
The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

CMP(MD) No.9707 of 2017

IN

CMA(MD) No.84 of 2013

THE ORIENTAL INSURANCE COMPANY LIMITED,
75, KRISHNAN STREET,
THIRUVANAMALAI.

... PETITIONER / APPELLANT

Vs

1 V.BALAJI

2 M.KRISHNARAJ

(2nd respondent remained exparte
before the lower court)

... RESPONDENTS / RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the respondent No. 1 claimant to appear before competent Medical Board to be constituted either at Madurai or at Tiruchirappalli Government Medical College Hospitals to issue disability certificate .

Prayer in CMA(MD). 84/ 2013 :

To set aside the award of Rs.83,69,700/- (Rupees Eighty Three Lakhs sixty Nine Thousand Seven Hundred only) passed in MCOP.No.912/2009 dated 23/07/2012 on the file of the Motor accident Claims Tribunal III Addl.Sub Judge,Tiruchirappalli

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.BHASKARAN, Advocate for the petitioner and of Mr.B.PRASANNA VINOTH, Advocate for R1, on behalf of the Respondents the court made the following order:-

**(Order of the Court was made by
K.KALYANASUNDARAM, J.)**

This application is filed by the Insurance Company seeking direction to the first respondent to appear before the competent Medical Board to assess his disability.
<https://hcservices.ecourts.gov.in/hcservices/>

2.The first respondent filed a petition claiming compensation



of Rs.50,00,000/- on the ground that he sustained permanent disability in the accident took place on 17.10.2006. He also produced the disability certificate stating that he suffered 78% disability. Based on the certificate, the Tribunal has passed the award amount of Rs.83,69,700/-.

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3.The case of the appellant/Insurance Company is that the claimant is not deprived on taking job and he is still continuing in service and functioning as a Territorial Manager with ICICI Bank and therefore, he has not lost any earning capacity and hence, this application is filed.

4.Heard Mr.K.Bhaskaran, learned counsel appearing for the petitioner.

5.When the case was listed on 20.11.2017, there is no representation for the first respondent and the matter was adjourned to 21.11.2017 (today) 'for orders'. Today also there is no representation for the respondent.

6.In similar facts, this Court has already issued directions to the Tribunal to refer the claimants to the Medical Board to assess the disability.

7.Considering the facts of this case, this Court is inclined to issue a direction to the first respondent to appear before the Medical Board.

8.The first respondent/claimant is directed to appear before the Medical Board on 06.12.2017.

9.The Dean, Government Medical College Hospital, Trichy is directed to constitute the Medical Board to assess the disability of the first respondent/claimant.

10.After assessing the disability, the Medical Board is directed to send the Medical Certificate on or before 15.12.2017 to the Registrar (Judl.).

11.Post the matter on 15.12.2017.

sd/-
21/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DEAN,
GOVERNMENT MEDICAL COLLEGE HOSPITAL,
TRICHY



2 V.BALAJI
S/O.LATE. K.S.VASUDEVAN,
KANCHI AGRAHARAM,
ARIYAMANGALAM, TRICHY-10.

3 THE MOTOR ACCIDENT CLAIMS TRIBUNAL CUM
III ADDITIONAL SUBORDINATE JUDGE,
TIRUCHIRAPPALLI

COPY TO:-

THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+2. C.C. to Mr.K.BHASKARAN Advocate SR.Nos.34796
+1cc to Mr.B.PRASANNA VINOTH, Advocate in SR.No.37051

JAM/29/11.17/CM-VR/SAR 4 / 3P-6C

ORDER
IN
CMP (MD) No.9707 of 2017
IN
CMA (MD) No.84 of 2013
Date :21/11/2017