

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.2371 of 2017(O&M)
Date of Decision: 12.09.2017

Mohit Garg

.....Petitioner

Vs.

Hari Ram Through LRs. & Ors.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.D.K.Bhatti, Advocate, for the petitioner.

Mr.Sushil Sharma, Advocate, for respondent No.2.

Mr.Abhinav Gupta, Advocate, for respondent No.3.

RITU BAHRI, J. (ORAL)

Petitioner has come up in revision against the order dated 03.02.2017 (Annexure P-7) whereby, his application for leading additional evidence has been dismissed.

The facts are not in dispute between the parties that claim petition had been filed by the petitioner on account of injuries suffered by him in a road accident which took place on 10.05.2012. On 13.01.2017, a direction was given in the application dated 16.12.2016 to the petitioner to approach the PGI, Chandigarh for the purpose of assessment of disability but some how the disability certificate could not be issued to the petitioner and thereafter, he applied for medical disability certificate before the Civil Surgeon, Panchkula and he was examined in the Eye department as well as ENT department. After considering the disability suffered by the applicant, the Medical Board disclosed that the claimant is suffering from 15% disability of eye and 22.5% disability of ear. Since the composite disability

to less than 40%, therefore, the disability certificate could not be issued in favour of the petitioner for the purpose of MACT case except without the order of the Court/Tribunal.

Learned Tribunal has dismissed the application on the ground that once the learned Tribunal permitted the claimant to examined himself Medical Board constituted by the PGI and he got examined himself, therefore, then going before the Medical Board, General Hospital, Sector-6, Panchkula, shows something wrong on his part and he had prayed Medical Board constituted by Civil Surgeon, Panchkula be asked to assess his physical disability. It is made clear that there will be manipulation of percentage his physical disability because as per his own version, Civil Surgeon, Panchkula, do not issue physical disability certificate when disability was less than 40% and he had appeared before the Medical Board, PGI, Chandigarh, it means PGI, Chandigarh had not assessed his disability as per his own wish and he wants to manipulation.

In view of the above, the order dated 03.02.2017 is being set aside and direction is being given to the petitioner to appear before the Civil Surgeon, Panchkula, who will assess his disability and given disability certificate in a time bound manner.

Revision is allowed accordingly.

(RITU BAHRI)
JUDGE

12.09.2017
anil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No