

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORAM

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

CRP (PD) NOS.2439 AND 2442 OF 2019
AND
CMP NO.15932 OF 2019

K.Singari

...

Petitioner
in both CRPs'

VS.

1.M.Subramani

2.P.Raju

3.Branch Manager

United India Insurance Company Ltd.

Christo Building

Opposite to State Bank of India

Udhagamandalam,

Nilgiris District.

...

Respondents

1 to 3 in both CRPs'

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and final order of the learned Subordinate Judge (Motor Accidents Claims Tribunal) Udhagamandalam in I.A.Nos.7 of 2018 and 8 of 2018 respectively, in M.C.O.P.No.10 of 2016 dated 22.11.2018.

For Petitioner
(in both CRPs')

:

Mr.J.Franklin

COMMON ORDER

The petitioner is the claimant before the Motor Accidents Claims Tribunal, Udhagamandalam. She filed two interlocutory applications for issuance of witness summon to the Doctor and to condone the delay in marking the disability certificate. The Tribunal below considered both the applications and observed that as per the judgment of this Court, the petitioner / claimant can be referred to Medical Board and based on that certificate only, disability of the petitioner can be assessed and accordingly, dismissed both the interlocutory applications.

2. Now that, learned counsel for the petitioner would contend that the matter is posted for argument, without referring the petitioner/claimant to the Medical Board.

3. On perusal of the order of the Tribunal, this Court finds that the Tribunal has rightly held that the petitioner / claimant can only be assessed for disability by a competent Medical Board and the certificates issued by the private Doctor, which are doubtful, cannot be marked.

4. Considering the same, a direction is issued to the learned Subordinate Judge (Motor Accidents Claims Tribunal) Udhagamandalam, to refer the petitioner / claimant to a competent Medical Board and assess the disability of the petitioner/claimant based on the disability certificate to be issued by the Medical Board and pass orders, on merits and in accordance with law.

5. The Civil Revision Petitions are disposed of with the above observation and direction. No costs. Consequently, connected civil miscellaneous petition is closed.

29.07.2019

Index : Yes/No

Internet : Yes/No

Note : *Issue order copy on 30.07.2019*

TK

To

The Subordinate Judge
Motor Accidents Claims Tribunal
Udhagamandalam.

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M.GOVINDARAJ, J.

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