

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.2060 of 2017

M.Govindarajalu

... Appellant/Petitioner

Vs

1.G.Kalairaj

2.Shriram General Insurance Company Limited,
Rep. by its Authorized Signatory,
No.66, 2nd Floor, City Centre Complex,
Thirumalaipillai Road,
Chennai - 600 017. ... Respondents/Respondents

Prayer:Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 07.10.2015 made in MCOP No.548 of 2013 on the file of the Motor Accident Claims Tribunal, Principal Sub-Court, Puducherry.

For Appellant : Mr.G.Rajan

For R2 : Mr.S.Dhakshnamoorthy

JUDGMENT

This appeal has been filed by the appellant / claimant challenging the judgment and award dated 07.10.2015 passed by the Motor Accidents Claims Tribunal, Puducherry in MCOP No.548 of 2013, whereby the Tribunal has awarded a total compensation of Rs.25,000/- to the appellant/claimant as against the claim of Rs.10,00,000/- made by him for the injuries sustained in a motor vehicle accident that had occurred on 17.06.2012 involving a car bearing Reg. No.PY-01-BC-4757 belonging to the first respondent and insured with the second respondent/Insurance Company.

2.According to the appellant/claimant, the Tribunal, without considering the materials and evidence adduced on record, has awarded the total compensation at Rs.25,000/- which is not in accordance with law and hence the compensation awarded has to be enhanced substantially.

3.Today, when this appeal was taken up for consideration, the learned counsel for the appellant has submitted that the original medical records i.e., Discharge Summary, Medical Bills pertaining to the treatment / expenses incurred by the appellant are available and prayed that the matter may be remitted to the Tribunal for fresh consideration in the light of the materials and evidence in a proper perspective.

4.The learned counsel for the second respondent has fairly agreed to the submission so made by the learned counsel for the appellant.

5.Heard the learned counsel for the appellant and the learned counsel for the second respondent and perused the records.

6.The Tribunal has made an observation in the impugned judgment that the claimant failed to produce the wound certificate and that the medical bills marked under Exs.P7 to P12 are photocopies and since the photocopies are not authenticated documents, the Tribunal cannot consider the same. According to the claimant, the originals are now very well available with him. Considering the submission made by the learned counsel for the appellant/claimant and the reason stated by the Tribunal for rejection of the medical bills, this Court is inclined to grant opportunity to the appellant. In the circumstances, the impugned judgment and decree are set aside and the matter is remanded back to the Tribunal for fresh consideration. The appellant / claimant is permitted to produce the original medical bills and the related original documents as required by the Tribunal along with a copy of this judgment before the Tribunal, within a period of two weeks from the date of receipt of a copy of this judgment. On such submission of originals, the Tribunal shall verify and compare the same with the photocopies and pass fresh orders on merits and in accordance with law within a period of eight weeks from the date of the receipt of the originals. The learned counsel on either side shall cooperate with the Tribunal by not seeking any adjournment, for speedy disposal of the matter by the Tribunal.

7.The Civil Miscellaneous Appeal is disposed of accordingly.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Principal Sub-Judge,
Motor Accident Claims Tribunal,
Puducherry.

2.The Section Officer,
VR Section,
Madras High Court. (2 Copies)

+1cc to Mr.S.Dhakshnamoorthy, Advocate Sr.94505

+1cc to Mr.G.Rajan, Advocate Sr.94476

C.M.A.No.2060 of 2017

mr[co]
srg 15/09/2020



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