

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.748 of 2020

and

C.M.P.No.3978 of 2020

R.Srinivasan

.. Petitioner

Vs.

1.N.V.Selvam

2.ICICI Lombard General Ins. Co. Ltd.,
No.140, Chotabai Centre, II Floor,
Nungambakkam High Road,
Chennai - 600 034.

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 25.11.2019, passed by the Motor Accidents Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai in M.P.No.955 of 2019 in M.C.O.P.No.3028 of 2014.

For Petitioner : Mr.P.Deivandra

O R D E R

Present revision has been filed against the dismissal of petitioner's application seeking to permit him to be examined by a private Doctor to assess his actual physical disability.

2. The petitioner is the claimant in M.C.O.P.No.3028 of 2014. To assess his disability, he was referred to the Medical Board. The Medical Board has also given its opinion. The learned counsel appearing for the petitioner submitted that even though the petitioner has suffered multiple injuries and suffered disability, the Medical Board did not consider the same and opined that at present the petitioner does not have any physical disability. In the above circumstances, petitioner has filed the present petition seeking examination by another doctor to fix the percentage of his disability. The trial Court dismissed the said petition. Challenging the same, present revision has been filed.

3. Heard the learned counsel appearing for the petitioner and also perused the records carefully.

4. Admittedly, the petitioner has already been sent to the Medical Board as per the directions issued by a Division Bench of this Court and the Medical Board has also given a report regarding his disability. Hence, examination by a private doctor no way help the petitioner. However, if the petitioner has any grievance with regard to the opinion given by the Medical Board, it is always open for him to file necessary petition before the Tribunal to refer him to another Medical Board for examining his disability, without doing so, the petitioner has filed the present revision. The Tribunal has rightly dismissed the petition filed by the petitioner. I do not find any illegality or irregularity in the said order. I find no merit in the revision and the same is liable to be dismissed.

5. In the result, the revision is dismissed. However, it is always open to the petitioner to file a petition before the Tribunal seeking to refer him to another Medical Board, if he is so advised. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

The Motor Accidents Claims Tribunal,
(Special Sub Judge - 1),
Court of Small Causes, Chennai.

+lcc to Mr.P.Deivendra, Advocate, SR. No. 14539

SPD(CO)
RMP(17/07/2020)

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