

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P. (PD) No.3135 of 2018
& C.M.P.No.18022 of 2018

Kalaivani (Unconscious)

.. Petitioner

Vs.

The Branch Manager,
The National Insurance Company Ltd.,
Manojiyappa Street, Thanjavur Town,
Taluk and District.

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, seeking to set aside the fair and decreetal order dated 27.10.2017 passed in IA No.204 of 2016 in M.C.O.P. No.79 of 2015 by the Motor Accident Claims Tribunal/ Chief Judicial Magistrate (FAC), Nagapattinam, Nagapattinam District.

For Petitioner : Mr.S.Giritharan

ORDER

The challenge in this Civil Revision Petition is to the order of the Motor Accident Claims Tribunal, Nagapattinam, allowing an application filed by the Insurance Company for referring the claimant to the Medical Board.

2. The claimant has come forward with the claim of Rs.80,00,000/- on the ground that she is permanently disabled because of the accident and she is unconscious also. The Doctor who was examined assessed the disability at 75%. Since the Doctor had stated that he had not treated the petitioner, the Insurance Company came up with the present application for referring the petitioner to the Medical Board.

3. The Tribunal accepted the claim of the Insurance Company and referred the petitioner to the Medical Board constituted by the Dean of the District Headquarters Hospital (General Hospital), Nagapattinam.

Aggrieved, the petitioner has come up with this Civil Revision Petition.

4. I have heard Mr.S.Giritharan, learned counsel appearing for the petitioner. The respondent Insurance Company though served has not entered appearance through counsel.

5. The claim made is for a sum of Rs.80,00,000/- on the ground that the petitioner has suffered a total permanent disability. It is also stated that the petitioner is in unconscious state. The Doctor examined by the petitioner has stated that he did not treat the petitioner.

6. The Tribunal has taken into account, the relevant factors and had held that it will be in the interest of justice to refer the petitioner to the Medical Board to assess the percentage of disability. I do not find any material irregularity or illegality in the approach of the Tribunal. Reference to Medical Board would be helpful for the petitioner also in the given circumstances of the case.

7. Hence, I do not see any reason to interfere with the order of the

Tribunal. The Civil Revision Petition therefore fails and it is accordingly dismissed. No costs. Consequently the connected miscellaneous petition is closed.

8. The petitioner is directed to appear before the Medical Board of the District Headquarters Hospital, Nagapattinam, for clinical examination on or before 31.10.2020 and the Medical Board is required to furnish its report to the Tribunal on or before 30.11.2020. The Insurance company is directed to make available necessary transport facility namely an ambulance to enable the petitioner to travel to Nagapattinam and for her return.

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jv

Index: Yes/No

Internet: Ye/No

Speaking order/ Non speaking order

Note: The Registry is directed to communicate a copy of this order to the Dean of the District Headquarters Hospital, Nagapattinam, forth with.

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R.SUBRAMANIAN, J.

jv

To
The Motor Accident Claims Tribunal/
Chief Judicial Magistrate (FAC),
Nagapattinam, Nagapattinam District.



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