



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2020

CORAM:

THE HONOURABLE **MRS.JUSTICE R.THARANI**

C.R.P(MD) No.206 of 2020

and

C.M.P.(MD)No.1229 of 2020

WEB COPY

1.S.Amutha
2.P.Kathiresan
3.R.Kavitha
4.T.Sugantha
5.S.Brintha

... Petitioners

Vs.

1.Kalaiyarasan

2.The Oriental Insurance Co.,Ltd.,
Rep.by its Divisional Manager,
2851/35, Kamala Subramaniam Arcade I Floor,
V.O.C.Nagar, Trichy Main Road,
Thanjavur - 613 007.

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decreetal order passed by the Motor Accident Claims Tribunal cum Special District Judge, Thanjavur, in I.A.No.3009 of 2019 in M.C.O.P.No. 1134 of 2018, dated 06.12.2019.

For Petitioners : Mr.N.Tamilmani

For R1 : Mr.P.Surli Raja

For R2 : No appearance

ORDER

This Civil Revision Petition is filed against the order passed by the Motor Accident Claims Tribunal cum Special District Judge, Thanjavur, in I.A.No.3009 of 2019 in M.C.O.P.No. 1134 of 2018, dated 06.12.2019.

2. Heard both sides.

3.On the side of the petitioners, it is stated that by inadvertence, the availability of medical bills was wrongly left un-mentioned in the M.C.O.P. claim petition, but, in fact, there were medical bills and the medical expenses has to be incorporated in the claim petition and the amendment petition was dismissed by the Tribunal. Against which, the petitioners preferred this Civil Revision Petition.



4. Though vakalat was returned, proposed counsel for the first respondent is present and he object to the amendment petition. There is no representation for the second respondent.

5.If the medical bills were not mentioned in the petition, it should be the fault of the advocate. Claimants cannot be affected for the fault of the advocate. In the above circumstances, an opportunity for the petitioners to put forth their case has to be given and the petitioners are duty bound to prove the medical expenses at the time of trial, the respondent can cross-examine the petitioners regarding the medical bills and medical expenses.

6. In the result, this Civil Revision Petition is allowed and the order passed by the Motor Accident Claims Tribunal cum Special District Judge, Thanjavur, in I.A.No.3009 of 2019 in M.C.O.P.No. 1134 of 2018, dated 06.12.2019, is hereby set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls

To

1.The Motor Accident Claims Tribunal cum
Special District Judge, Thanjavur.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-9172[F] dated 28/02/2020)

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AP(23/03/2020) 2P 3C