

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No.836 of 2018 and  
CMP.No.4615 of 2018

Rajasekar

...

Petitioner

Vs

1.United India Insurance Company Limited,  
“Siling Building”  
No.134, Greams Road,  
Chennai – 600 006

2.Babu

...

Respondents

**Prayer** :- Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decree dated 13.12.2017 passed in MP.No.1186 of 2017 in MCOP.No.2499 of 2010 on the file of Motor Accident Claims Tribunal, Chennai, IV Judge FAC (III Court of Small Causes, Chennai)

For Petitioner : M/s.A.Subadra

For Respondents : Mr.M.T.Vijayaraghavan

**ORDER**

This Civil Revision Petition is filed against the order and decree dated 13.12.2017 passed in MP.No.1186 of 2017 in MCOP.No.2499 of 2010

on the file of Motor Accident Claims Tribunal, Chennai, IV Judge FAC (III Court of Small Causes, Chennai), thereby allowing the petition to refer the petitioner to the medical board to assess the disability.

2. The petitioner is the claimant and the respondents are the respondents in the claim petition. The petitioner met with an accident and filed claim petition. While pending the claim petition, the first respondent filed petition to refer the petitioner to the medical board to assess disability. Resisting the same, the petitioner herein filed counter stating that he must be given opportunity to examine his doctor to assess his disability. If the disability assessed by the doctor is not satisfied to the Claims Tribunal, then the Tribunal can come to conclusion that the claimant should be referred before the medical board to assess the disability. The counsel for the appellant relied upon the judgment in the case of ***The Branch Manager, Tata AIG Gen.Ins.Co.Ltd., Vs. Prabhu and another*** reported in ***2017 (1) TN MAC 106 (DB)***, in which this Court held that while directions have been issued to the Tribunal to refer the matters to the medical board, the Tribunal will bear in mind that if the witnesses produced by the claimants

are credible and the Presiding Officers are satisfied, the matter ought not to be referred to the medical board, then they should proceed based on the appreciation of the matter placed before them.

3. Per contra, the learned counsel for the respondents relied upon the judgment in the case of ***Oriental Insurance Co.Ltd., Vs. Minor Giridharan and another*** reported in ***2020 (1) TN MAC 671***, wherein this Court held as follows:

*30.This Court is of the considered view that issuance of Disability Certificates without meeting out the statutory requirements, will result only in irregularities and inconsistencies and therefore, a proper and uniform method has to be adopted while issuing Disability Certificates, in future, to weed out the same. Accordingly, this Court holds that the Disability Certificates have to be issued by the authorities competent to issue such certificates, only as per the Appendices prescribed in the C.M.A.Nos.2337 of 2015,3026 of 2017, 4225 and 4323 of 2019 aforesaid Notification dated 04.01.2018. It would ensure a reasonably safe, accurate and consistent assessment of disability that can be acted upon by all concerned. The formats prescribed under the aforesaid Notification have to be strictly followed so that there would be uniformity, consistency and standardisation in*

*issuance of the same by the authorities.*

*31. In view of the above, Registry is directed to circulate this order to all the District and Subordinate Courts dealing with Motor Accident Claims so as to scrupulously follow the same for awarding compensation, and to the concerned authorities for issuing necessary directions to the Medical Boards in all the Districts of Tamil Nadu to issue the Disability Certificates as per the formats stipulated in the aforesaid Notification dated 04.01.2018, while assessing the percentage of Permanent Disability of the injured / claimant in the motor accident cases. The District and Subordinate Courts shall accept only such statutory certificates, to fix the percentage of disability. A mere statement for disability shall not be considered for awarding compensation.*

4. Irrespective of other factors, this Court specifically directed all the Subordinate Courts dealing with the motor accident claims so as to scrupulously follow the directions issued by this Court to the authorities concerned for issuance of necessary directions to the medical board in all the districts of Tamil Nadu to issue disability certificate as per the format stipulated in the notification dated 04.01.2018, while assessing the percentage of permanent disability of the injured in motor accident cases. Further held that the disability certificates have to be issued by the

competent authorities and it would ensure a reasonably safe, accurate and consistent assessment of the disability. Therefore, the court below rightly directed the claimant to appear before the medical board to assess his disability.

5. In view of the above discussion, this Court finds no infirmity or illegality in the orders passed by the court below. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

23.07.2021

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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

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**G.K.ILANTHIRAIYAN,J.**

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To

The Motor Accident Claims Tribunal,  
Chennai, IV Judge FAC  
(III Court of Small Causes, Chennai)



C.R.P.(PD) No.836 of 2018

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