



Review Application No.111 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Review Application No.111 of 2021

P.C.Madhu Babu

.. Petitioner

Vs.

The Managing Director
Tamil Nadu State Transport
Corporation (VPM) Limited
Kancheepuram Region
Kancheepuram.

.. Respondent

Prayer: Review Application is filed under Order XLVII Rule 1 read with Section 114 of C.P.C., to review the common judgment of this Court dated 24.02.2020 made in C.M.A.Nos.1425 of 2015 and 560 of 2020.

For Petitioner : Mrs.A.Subadra

for Ms.M.Malar

For Respondent : Mr.K.J.Sivakumar



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ORDER

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This Review Application is filed to review the common judgment of this Court dated 24.02.2020 made in C.M.A.Nos.1425 of 2015 and 560 of 2020.

2.The Review Petitioner is appellant in C.M.A.No.560 of 2020 and claimant in M.C.O.P.No.2914 of 2009 on the file of the Motor Accident Claims Tribunal, IV Small Causes Court, Chennai. The Review Petitioner has filed the said C.M.A. for enhancement of compensation. The respondent/Transport Corporation has also filed C.M.A.No.1425 of 2015 challenging the very same award passed by the Tribunal. This Court by the common judgment dated 24.02.2020, dismissed C.M.A.No.1425 of 2015 filed by the respondent/Transport Corporation and partly allowed C.M.A.No.560 of 2020 enhancing the compensation awarded by the Tribunal.

3.The learned counsel appearing for the Review Petitioner submitted that this Court failed to consider the claim of the petitioner with regard to Ex.P12/original inpatient bill and evidence of P.W.2, an Admin Manager in



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Soundarapandian Bone and Joint Hospital and Research Institute Private Limited, Chennai and prayed to review the common judgment dated 24.02.2020 made in C.M.A.Nos.1425 of 2015 and 560 of 2020.

4.The learned counsel appearing for the respondent/Transport Corporation submitted that the Tribunal considered the medical bills and on perusing the same, held that the petitioner has not filed original discharge summary and original receipt for the expenses and did not accept Ex.P12 on the ground that the petitioner could have reimbursed the said amount from some other insurance. The learned counsel appearing for the respondent/Transport Corporation further submitted that the petitioner is not entitled to medical expenses as claimed by him. There is no error in the judgment of this Court dated 24.02.2020 made in C.M.A.Nos.1425 of 2015 and 560 of 2020.

5.Heard the learned counsel appearing for the Review Petitioner as well as the learned counsel appearing for the respondent/Transport Corporation and perused the entire materials on record.

6.From the materials on record and common judgment dated



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24.02.2020 made in C.M.A.Nos.1425 of 2015 and 560 of 2020, it is seen that the petitioner has raised a ground that the Tribunal erred in rejecting the medical bills without considering the evidence of P.W.2. This Court has not considered the claim of the petitioner with regard to reimbursement of medical expenses. In view of the same, common judgment dated 24.02.2020 made in C.M.A.Nos.1425 of 2015 and 560 of 2020 has to be reviewed.

7.In the result, the Review Application is allowed and common judgment dated 24.02.2020 made in C.M.A.Nos.1425 of 2015 and 560 of 2020 is set aside and the said C.M.A.Nos.1425 of 2015 and 560 of 2020 are restored to file. The Registry is directed to post the C.M.As. before the concerned Court. No costs.

11.04.2022

Index : Yes / No

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To



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V.M.VELUMANI, J.,



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