



CRP(PD)No.1838 of 2017

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

CRP (PD) No.1838 of 2017

and

CMP.No.9299 of 2017

Venkatesan

...

Petitioner

Vs.

Union of India owning
Southern Railway
Rep.by its General Manager,
Chennai – 600 003.

...

Respondent

Prayer: This civil revision petition has been filed under Article 227 of the Constitution of India to set aside the order passed by the Railways Claims Tribunal, Chennai Bench in M.A.No.5 /2017 in O.A.No.119/2016 dated 16.03.2017.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.T.P.Savitha



WEB COPY



CRP(PD)No.1838 of 2017

ORDER

The present civil revision petition arises from an order dated 16.03.2017 in MA No.5 of 2017 in O.A.No.119 of 2016, which original application is now pending on the file of the Railway Claims Tribunal at Chennai.

2.The applicant/claimant/petitioner before the said Claims Tribunal is the revision petitioner herein. He had suffered injuries on 03.09.2016. He had been treated for such injuries in Rajiv Gandhi Government General Hospital, Chennai, by Chief Doctor, Unit N-IV, Neuro Surgery Ward No.11A. The aforementioned Doctor had also given a discharge summary, which naturally indicated the nature of injury, nature of treatment given and the date of discharge from the particular hospital after treatment. It had given the date of accident as 03.09.2016. At all relevant places, it is mentioned that the revision petitioner had suffered injuries owing to an accident on 03.09.2016. The discharge summary had been produced as document and marked as Ex.A1.



CRP(PD)No.1838 of 2017

3.It is contended by the learned counsel for the petitioner that in Ex.A1, which according to him, contains several pages, in one of the pages, the doctor had given the date of the accident as 03.08.2016. In the very same page, on the left side column, the very same doctor had also mentioned the date of further admission was 18.09.2016 and the date of discharge was 28.09.2016. Therefore, on 03.08.2016, there was no occasion for the petitioner herein to ever visit the hospital treatment. That particular entry mentioning the date is obviously wrong. It can be stated as wrong only by the doctor, who wrote that particular date. That particular doctor, who wrote the date, was Dr.Devanadan, who had treated the petitioner in Neuro Surgery Department in Rajiv Gandhi Government General Hospital, Chennai. An application was filed seeking to issue summons to that doctor, to come and give evidence. That application was rejected by the Railway Claims Tribunal, Chennai, necessitating the petitioner, to file the revision petition.

4.The Claims Tribunal in their order had stated that if evidence is produced, it would be basically burdening the records without any



CRP(PD)No.1838 of 2017

justification. Any Presiding Officer, who states that evidence produced by a litigant to a case would be burdening the records, should not take upon himself / herself to be a Presiding Officer and not take up the arduous task of deciding a lis. Records, which are produced, will have to be examined. There cannot be a complaint that they are burdensome or that the task is tortuous. A litigant produces records on the belief that they are essential to establish the facts of his particular case. If those records are not relevant, it can be exposed during cross examination. But a litigant cannot be prevented from putting up records, which, according to him, are relevant, by stating that such production would be burdening the Court. I am not able to understand that particular line of reasoning given by the Tribunal.

5.I would therefore interfere with the order under challenge which has prevented the petitioner herein for examining Dr.Devanadan, who treated the petitioner herein. The said doctor was the Chief Doctor, Unit N-IV, Neuro Surgery Ward No.11A, Rajiv Gandhi Government General Hospital, Chennai.



CRP(PD)No.1838 of 2017

WEB COPY

6.Let the doctor, who issued the relevant discharge summary relating to the nature of treatment given to the petitioner herein, tender his evidence. Let that evidence be recorded and let that evidence be analysed at the time of passing final order in O.A.No.119 of 2016.

7.This Civil Revision Petition stands allowed. The order of M.A.No.5/2017 in O.A.No.119 of 2016 dated 16.03.2017 is set aside.

8.The parties are directed to go back to the Claims Tribunal and adduce further evidence in manner known to law. No costs. Consequentially, connected miscellaneous petition is closed.

Index:Yes/No

Internet:Yes/No

sms

16.03.2022

To

1.The Railways Claims Tribunal, Chennai.

2.Union of India owning
Southern Railway
Rep.by its General Manager,
Chennai – 600 003.

5/6



WEB COPY



CRP(PD)No.1838 of 2017

C.V.KARTHIKEYAN,J

sms

CRP (PD) No.1838 of 2017
and
CMP.No.9299 of 2017

16.03.2022