



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM

THE HON'BLE MRS.JUSTICE S.ANANTHI

C.R.P (MD)No.200 of 2017

and

C.M.P (MD)No.910 of 2017

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The Divisional Manager,
The Oriental Insurance Company Limited,
Bankar Dharmasala,
Keela Veli Street,
Madurai.

...Revision Petitioner/Respondent/
2nd Respondent

Vs.

K.Thalavairajan

...Respondent/Petitioner/Petitioner

PRAYER: Civil Revision Petition filed under Article 227 of The Constitution of India, to set aside the order dated 22.11.2016 passed in I.A.No.1540 of 2016 in M.C.O.P.No.1169 of 2008, on the file of the Motor Accident Claims Tribunal cum IV Additional Sub Judge for MCOP Cases, Madurai.

For Petitioner : Mr.E.Chandrasekaran
For Respondent : No Appearance

ORDER

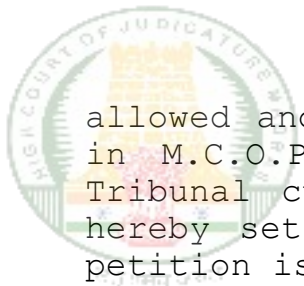
The Civil Revision Petition has been filed to set aside the order dated 22.11.2016 passed in I.A.No.1540 of 2016 in M.C.O.P.No.1169 of 2008, on the file of the Motor Accident Claims Tribunal cum IV Additional Sub Judge for MCOP Cases, Madurai.

2.I.A.No.1540 of 2016 was filed by the respondent, to recall PW1 for the purpose of marking X-copy of medical bills, which was allowed by the learned IV Additional Subordinate Judge for MCOP Cases, Madurai. Aggrieved by the said order, the revision petitioner has filed this Civil Revision Petition.

3.A perusal of records would show that the respondent has already filed I.A.No.1411 of 2016, to receive X-copy of the document, which was allowed by the trial Court. But the X-copy of the medical bill cannot be treated as primary evidence. Without considering the aspect, the trial Court allowed the said petition only on the basis of order passed in I.A.No.1411 of 2016. The X-copy of the medical bill cannot be marked through PW1. If necessary PW1 can call for records from the hospital and to mark the same.

4.With the above observation, this Civil Revision Petition is

<https://hcservices.ecourts.gov.in/hcservices/>



allowed and the order dated 22.11.2016 made in I.A.No.1540 of 2016 in M.C.O.P.No.1169 of 2008 passed by the Motor Accident Claims Tribunal cum IV Additional Sub Judge for MCOP Cases, Madurai, is hereby set aside. No costs. Consequently connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

The Motor Accident Claims Tribunal
Cum IV Additional Subordinate Judge for MCOP Cases,
Madurai.

COPY TO:

The Section officer, V.R Section,
Madurai Bench Of Madras High Court, Madurai. (2 COPIES)

+1 CC to M/s.E. CHANDRASEKARAN, Advocate (SR-16838[F] dated 06/04/2022)

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RD(09.05.2022) 2P 5C