



C.M.A.No.2251 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

Civil Miscellaneous Appeal No.2251 of 2021
and
Civil Miscellaneous Petition No.12452 of 2021

S. Balaji ... Appellant / Petitioner

Vs.

A. Selvarajan ... Respondent/Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 13.07.2020, made in M.C.O.P.No.33 of 2017, on the file of the Motor Accidents Claims Tribunal, Sub Court, Thiruvarur.

For Appellant : Mr. G. Govarthanan

For Respondent : M/s. M. Mayadevi

For M/s. A. Vinupradha

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant - respondent therein, challenging the liability fixed on him to pay compensation to the claimant - respondent herein as per award passed in



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M.C.O.P.No.33 of 2017, dated 13.07.2020 on the file of the Motor Accidents Claim Tribunal, Sub Court, Thiruvavur.

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2. The respondent in claim petition filed this appeal, challenging the quantum of compensation awarded and more particularly, the compensation awarded under the head medical bills.

3. The parties are referred to hereunder according to their litigative status and ranking before the Tribunal.

4. On 27.12.2016 the claimant herein sustained grievous injuries, due to the tortious act committed by the respondent and after discharged from the hospital, he has come forward to file claim petition seeking compensation of Rs.13,00,000/- under Section 166 of the Motor Vehicles Act. The respondent, who is the rider-cum-owner of the vehicle has contested the claim. After considering the evidences placed on record, the Tribunal has held that the appellant herein is liable to pay the compensation of Rs.3,25,010/- along with interest at the rate of 7.5% per annum from the date of filing of claim petition till the date of realisation. Aggrieved over the



quantum of compensation awarded, the appellant herein has filed this appeal.

5. The major contention of the learned counsel for the appellant is that the medical bills awarded for compensation is on the higher side and the medical bills have not been substantiated by examining any of the person from the hospital for issuing medical bills. He further submits that there is a discrepancy in the evidence of P.W.1 regarding the admission date at the hospital, which itself is sufficient to raise a serious doubt regarding the genuineness of the medical bills produced.

6. The learned counsel for the claimant, has submitted that the claimant has examined P.W.1 and through him, Discharge Summary, Accident Register, Medical Bills as well as prescriptions were marked and those documents have been marked during the chief examination and no objections have been raised at the time of marking documents. Further in the cross examination genuinity of medical bills have not been raised by the appellant herein, hence he is not entitled to dispute the medical bills at this stage. Even if the arguments of the appellant is accepted that the medical



bills have to be proved, the evidence of P.W.1 is sufficient to prove the medical bills, since his evidence is corroborated by other documentary proof as stated supra.

7. I have considered the rival submissions made on both sides and also perused the records.

8. The claimant himself has examined as P.W.1 and through him Accident Register issued by the Thiruvarur Medical College Hospital was marked and subsequently, Discharge Summary issued by the Trichy Cauvery Hospital is also marked. Along with Discharge Summary, Receipts for medical bills have been marked as Exs.P5 to P7. These medical bills have been totally accepted by the Tribunal, after accepting the Discharge Summary issued by the Trichy Cauvery Hospital. Since Ex.P4 - Discharge Summary contains all treatment particulars including the number of days he has undergone treatment. It is the basic document to corroborate the medical bills which have been marked as Exs.P5 to P7. The claimant has not raised any objection at the time of marking documents. In the cross examination also, there was no question relating to genuinity of the medical bills have



been raised.

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9. The learned counsel relied on the answer given in the cross examination that one day after the accident, the claimant has been examined by the police, which, he claims to be termed as treatment taken at Thiruvarur Medical College Hospital and he also relied on such statement said that he was not admitted at Trichy Cauvery Hospital on the next day.

10. This Court is unable to appreciate such contention since in the cross examination no where the claimant has admitted that he was at Thiruvarur at the time of examination by the police. This Court is of the view that the Tribunal after considering Ex.P4 - Discharge Summary and thereafter independently assessed Exs.P5, P6 and P7, which are the Medical Bills and Prescriptions, accepted the bills and examination of hospital officials not necessary.

11. In the result, this Civil Miscellaneous Appeal is dismissed. The Award passed by the Tribunal in M.C.O.P.No.33 of 2017, dated 13.07.2020 by the Sub Judge, Thiruvarur is hereby confirmed. The appellant



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is directed to deposit the award amount along with interest and costs less the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.33 of 2017 on the file of the Motor Accident Claims Tribunal, Sub Court, Thiruvavarur. On such deposit, the claimant is permitted to withdraw the same. There shall be no order as to costs in the present appeal. Consequently, the connected miscellaneous petition stands closed.

21.12.2023

ssi

Index : Yes / No

Speaking Order: Yes / No

Neutral Citation Case : Yes/No

To

1. The Sub Judge,
Motor Accidents Claims Tribunal,
Thiruvavarur.
2. The Section Officer,
VR Section,
High Court,
Madras.

K.RAJASEKAR,J.,



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