



C.R.P(MD)No.960 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

C.R.P(MD)No.960 of 2019
and
C.M.P.(MD) No.5319 of 2019

M/s. Royal Sundaram Alliance

...Petitioner

Vs.

1. M. Selvaraj

2. M/s. Giri Murugan Transport

No.17-C, Salem Main Road,

Sankari Post,

Salem.

....Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the impugned



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Fair and Decreetal order dated 07.04.2018 made in IA No.627 of 2018 in MCOP No.312 of 2013 on the file of Motor Accident Claims Tribunal (Sub Court), Kulithalai, set aside the same and allow this Civil Revision Petition.

For Petitioner : Mr.S. Srinivasa Raghavan

For Respondents : Mr.B. Jayakumar for R1

No appearance for R2

ORDER

This Civil Revision Petition has been filed against the order dated 07.04.2018 passed in M.C.O.P.No.312 of 2013 on the file of Motor Accident Claims Tribunal (Subordinate Court), Kulithalai.

2. The petitioner is the second respondent and the first respondent is the petitioner / claimant in M.C.O.P.No.312 of 2013.



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3. Heard Mr.S.Srinivasa Raghavan, learned counsel appearing for the petitioner and Mr.B.Jayakumar, learned counsel appearing for the first respondent.

4. The learned counsel appearing for the petitioner submits that the Tribunal below erroneously dismissed the interlocutory application filed by the petitioner requesting the Tribunal to refer the claimant for examination of the Medical Board without any reason. The learned counsel further contends that to ascertain the nature of injury suffered by the claimant and to assess his disability, the examination by Medical Board is very much required and also for proper adjudication of the case and to grant just compensation to the claimant.

5. The learned counsel for the first respondent submits that the first respondent /claimant has no objection to appear before the Medical Board for medical examination to assess the injuries and disability. The learned counsel further submits that due to pendency



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of this Civil Revision Petition from the year 2019, the claim application filed by the injured in the year 2013 is still pending before the Tribunal and the claimant is suffering a lot.

6. Having heard the submissions of the respective counsels and upon careful perusal of the order assailed in this Civil Revision Petition, this Court has no hesitation to hold that the Tribunal below erroneously passed the order dismissing the I.A.No.627 of 2018 without ascertain any reasons. In claim petitions filed seeking compensation under the Motor Vehicles Act or under the Workmen Compensation Act, the injuries sustained by the claimants and the disability they are suffering is very essential factors to determine the just and reasonable compensation to be awarded to the claimants. Under these circumstances, it is appropriate to examine the injured person by the Medical Board for proper adjudication of the claim petition.



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7. For the above said reasons, in our considered view, the order, dated 07.04.2018 passed in I.A.No.627 of 2018 on the file of Motor Accident Claims Tribunal (Subordinate Court), Kulithalai, is liable to be set aside.

8. Accordingly, this Civil Revision Petition is allowed and the order, dated 07.04.2018 passed in I.A.No.627 of 2018 on the file of Motor Accident Claims Tribunal (Subordinate Court), Kulithalai, is set aside.

9. Considering the submissions of the learned counsel appearing on either side that the claim petition is pending in the Tribunal for the last 10 years, in the considered opinion of this Court, it is desirable and appropriate to direct the Subordinate Judge, Motor Accident Claims Tribunal (Subordinate Court), Kulithalai, to dispose of the claim petition as expeditiously as possible, preferably, not beyond the period of three months from the date of receipt of a copy of this order.



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10. No costs.

11. Consequently, connected miscellaneous petition is closed.

12.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

RM



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The Subordinate Judge,
Motor Accident Claims Tribunal (Subordinate Court),
Kulithalai.



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BATTU DEVANAND, J.

RM

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