



WEB COPY

C.R.P. (PD) No.3472 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P. (PD) No.3472 of 2024
and C.M.P.No.18796 of 2024**

M.Kumaresan

... Petitioner

Vs.

1.P.Anbu

2.Cholamandalam Ms. Gen. Ins. Co. Ltd.,

Dare House, 2nd Floor, N.S.C. Bose Road

Chennai – 600 001.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 03.03.2023 made in M.P.No.2 of 2021 in M.C.O.P.No.4492 of 2013 on the file of the III Judge, Court of Small Causes, Chennai.

For the Petitioner : Mr.J.Mahalingam

ORDER

A Division Bench of this Court in *the Branch Manager, M/s.TATA AIG General Insurance Co. Ltd., Vs. Prabhu and Ors.*, (C.M.A.No.2380 of



2015 dated 12.04.2016) has laid down the law in clear and categorical manner that with respect to the percentage of disability, even if a certificate is produced from a Doctor, the parties have to be directed to appear before a Medical Board duly constituted by the Dean of the Government Medical Colleges. The Division Bench also held that a certificate of disability given by such Medical Board is to be received in evidence unless and until, exceptional circumstances are made out, to doubt the percentage of disability that has been fixed by the Medical Board.

2. In the present case, the petitioner has taken out this application seeking for the examination of the Chief Doctor, Department of Neurology, Rajiv Gandhi Government Hospital, Park Town, Chennai, and one Dr.Saravana Bavanathan, M.S.(Neurology) for assessing the petitioner and to issue a disability certificate.

3. The Judgment of this Court in *Prabhu's case* referred above, makes it clear that to declare the percentage of disability, the parties would have to appear before the Medical Board.

4. The learned Trial Judge has taken them into consideration and has partly allowed the application, to issue summons to the Chief Doctor,



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Department of Neurology, Rajiv Gandhi Government Hospital, Park Town,
Chennai. I do not find any error in the order as he has followed the Division
Bench Judgment of this Court. Accordingly, this Civil Revision Petition
stands dismissed. No costs. Consequently, the connected miscellaneous
petition is closed.

02.09.2024

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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

Neutral citation : Yes / No

To

The III Judge, Court of Small Causes
Chennai.



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V.LAKSHMINARAYANAN, J.,
Jer

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