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C.R.P.(PD).No.3996 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.3996 of 2024
and C.M.P.No.22043 of 2024

M/s.Bajaj Allianz General
Insurance Company Limited,
T.P.Claims,
Chennai.
Rep. by its Manager

.. Petitioner

Versus

Jaisankar

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order, dated 21.03.2024, dismissing I.A.No.3 of 2024 in M.C.O.P.No.174 of 2021 by the Motor Accidents Claims Tribunal (Principal Subordinate Court) at Virudhachalam.

For Petitioner : Mr.J.Michael Visuvasam

ORDER

The Civil Revision Petition is at the instance of the Insurance Company. It filed an application in I.A.No.3 of 2024 in M.C.O.P.No.174 of 2021, seeking for issuance of witness summons to the Medical Board, Government Hospital, Cuddalore.



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2. The concept of referring parties to the Medical Board was developed by a Division Bench of this Court in ***The Branch Manager, TATA AIG General Insurance Co. Ltd. Vs. Prabhu and Anr., 2016 (1) TN MAC 609 (DB)***. In paragraph No.23(v) and (vi), the Division Bench held that the Certificate of Disability should be received from the Medical Board and a copy of the said certificate should be issued to the contesting parties, on application. It held that such a certificate of the Medical Board shall be marked without any need for oral evidence or insisting upon the appearance of the Medical Board official or personnel or Doctor.

3. An exception was created stating that in exceptional cases, the Tribunal, for recording reasons in writing or at request of the contesting parties, can direct the authors of the Disability Certificate to appear before the Claims Tribunal to answer any clarifications, if any. The aforesaid direction show that the request for reference to the Medical Board is under exceptional circumstances and it should not be ordered as a course.



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4. A perusal of the affidavit filed in support of the application, which is enclosed in page No.24 of the typed set of papers, does not plead any exceptional circumstances. All it states is that the certificate that has been issued is excessive, considering the injuries sustained by the claimant. This, not being within the ambit of exceptional circumstances, as directed by the Division Bench of this Court, I am not in a position to come to the rescue of Mr.J.Michael Visuvasam's client.

5. This Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.09.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

The Motor Accidents Claims Tribunal-cum-
Principal Subordinate Court,
Virudhachalam.



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V.LAKSHMINARAYANAN, J.

grs

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