



C.M.A.(MD)No.1037 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 30.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A.(MD)No.1037 of 2023

N.Muthukumar

... Appellant / Petitioner

Vs.

1.N.Jagatheesan

2.The Regional Manager,

M/s.United India Insurance Co. Ltd.,

Surnise Towers, 2nd Tower,

No.16, Kamarajar Salai,

Madurai – 9.

... Respondent / Respondent

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, praying to set aside the judgment dated 09.06.2022 in M.C.O.P.No.136/2018 and to receive the additional documents or otherwise remand back to the learned Subordinate Court – Motor Accidents Claims Tribunal, Madurai to receive the additional document to pay the original medical claim amount of Rs.8,23,571/- by taking into consideration the medical bills which are being produced along with this appeal by confirming the bills.



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For Appellant : Mr.K.P.Ramesh
For Respondent No.1 : Mr.Babu Rajendran
For Respondent No.2 : Mr.A.S.Mathialagan

J U D G M E N T

This Civil Miscellaneous Appeal is filed against the order passed in M.C.O.P.No.136/2018 dated 09.06.2022 and for remanding back the matter to the learned Subordinate Court – Motor Accidents Claims Tribunal, Madurai to receive the additional document for payment of the original medical claim amount of Rs.8,23,571/- by taking into consideration the medical bills which are being produced along with this appeal by confirming the bills.

2. Heard Mr.K.P.Ramesh, the Learned Counsel for the appellant, Mr.Babu Rajendran, the Learned Counsel for first respondent and Mr.A.S.Mathialgan, the Learned Counsel for the second respondent and perused the materials placed on record.



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3. This Civil Miscellaneous Appeal has been filed by the claimant. It is a case of injury. The claimant had suffered multiple fractures and he was under treatment for more than a year. Subsequently, he filed a claim petition before the Tribunal. The Tribunal, after considering the available bills had granted an award of Rs.2,78,900/- as compensation. But due to his ailment, he was unable to produce the entire original medical bills.

4. The contention of the claimant is that for the remaining amount, the claimant has obtained original medical bills and hence, he seeks for an opportunity to prove the same. Considering the facts and circumstances of the case, this Court is inclined to grant an opportunity to the claimant to prove his claim before the Tribunal.

5. Accordingly, this Civil Miscellaneous Appeal is allowed and the impugned order dated 09.06.2022 passed in M.C.O.P.No.136 of 2018 is set aside. The claimant is directed to produce the original medical bills before the Tribunal and the Tribunal is directed to reconsider the original bills and pass orders afresh. The parties are at liberty to submit additional pleadings, evidence and contest the case as per law. The



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Tribunal is also directed to hear the claim petition and pass orders on merits and in accordance with law within a period of two [2] months from the date of receipt of a copy of this order. There shall be no order as to costs.

30.01.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

MR

Note to Office: Issue a copy of Order today on 05.02.2024



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To

1.The Motor Accident Claims Tribunal /
Madurai.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

MR

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