



WEB COPY

CRP No. 1372 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 1372 of 2025

R.Valarmathi
W/o. Rajendran,
No.1, Muthalamman Koil Street,
Gunankaranai,
Orathy, Kancheepuram,
Maduranthakam 603 307

Petitioner(s)

Vs

1. Tamilarasan
No.122, Main Road,
Mambazhapattu and Post,
Villuppuram Taluk 605 302.

2.The New India Assurance Company
Ltd.,
No.223, Bombay Mutual Building,
6th Floor, NSC Bose Road,
Chennai 600 001.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of



India, to set aside the fair order dated 10.02.2025 made in MP.No.1 of 2024 in MCOP.No.2195 of 2020 passed by the Motor Accident Claims Tribunal (III Small Causes Court), Chennai.

For Petitioner(s): Mr.Amar Dineshbhai Pandiya

For Respondent(s): Not ready NS for R1
M/s.S.Dhakshnamoorthy for R2

ORDER

This Civil Revision Petition is filed to set aside the fair order dated 10.02.2025 made in MP.No.1 of 2024 in MCOP.No.2195 of 2020 passed by the Motor Accident Claims Tribunal (III Small Causes Court), Chennai.

2. The petitioner is a claimant in M.C.O.P. proceedings before the Motor Accident Claims Tribunal, III Small Causes Court, Chennai in M.C.O.P.NO.2195 of 2020. The petitioner was referred to a Medical Board and the Medical Board has also given its Disability Certificate. The petitioner as the claimant has produced a Disability Certificate before this Court, as the application for referring the issue to fresh Medical Board for assessment has been rejected.



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3. The learned counsel for the petitioner would invite my attention to the order passed by this Court in C.M.A.No.345 of 2022, dated 31.03.2022, where this Court has issued the detailed directions with regard to the issuance of a Disability Certificate. Infact, a Specimen Disability Certificate has also been annexed along with said order and circulated to all the Motor Accident Claims Tribunal, Medical Board as well as the Deans of Government Hospitals.

4. The grievance of the petitioner is that the said direction issued by this Court has not been followed and the Disability Certificate issued by the Regional Medical Board, Government Kilpauk Medical College Hospital, Chennai, cannot be looked upon by the Tribunal, as it is not in compliance with the directions of this Court.

5. The learned counsel for the second respondent would submit that the petitioner has not made out any case seeking reference to a fresh Medical Board. He would further state that even in the claim petition, there is no reference to any serious injuries, especially to the Dental region warranting



reference to the Dental guidelines as claimed by the claimant. Therefore, he

submitted that the Tribunal has rightly dismissed the application and hence the

revision petition does not deserves any interference.

6. Heard the learned counsel for the petitioner and the learned counsel for the second respondent. I have also gone through the Disability Certificate issued by the Regional Medical Board, Government Kilpauk Medical College Hospital, Chennai.

7. Admittedly, the said disability certificate is not conforming to the specimen Disability Certificate that has been circulated by this Court in C.M.A.No.345 of 2022 as early as on 31.03.2022. If the guidelines and directions issued by this Court had been followed, then, no prejudice would have been caused to the claimant/petitioner and there would be no necessity to refer the petitioner to a different Regional Medical Board. However, having found that the disability certificate is not in terms of the guidelines issued by this Court and the Motor Vehicles Act also being a beneficial piece of



legislation, the claimant should be given a fair opportunity to establish his actual disability.

8. In view of the above, the petitioner shall appear before the Regional Medical Board, Government Kilpauk Medical College Hospital and the Medical Board shall examine the claimant/petitioner in the light of the directions issued by this Court in C.M.A.No.345 of 2022, dated 31.03.2022 and shall issue a disability certificate strictly in consonance with the Specimen Disability Certificate that has been enclosed along with the order in C.M.A.No.345 of 2022 dated 31.03.2022.

9. The petitioner shall also submit all her medical records and treatment that she has undertaken to enable the Medical Board to examine them and issue a Disability Certificate.



10. With the above directions, this Civil Revision Petition is disposed of.

No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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P.B.BALAJI J.

jd

To

1. Regional Medical Board,
Government Kilpauk Medical College Hospital, Chennai.

2. The New India Assurance Company Ltd.,
No.223, Bombay Mutual Building,
6th Floor, NSC Bose Road,
Chennai 600 001.

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