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CRP.No.2425 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.2425 of 2025
and C.M.P.No.13923 of 2025

Dr.R.Kathiravan

.. Petitioner

Versus

Murugan

.. Respondent

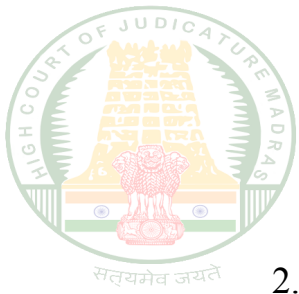
Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 17.12.2024 made in Revision Petition No.64 of 2024 in M.A.No.26 of 2024 in C.C.No.6 of 2023 on the file of the Tamil Nadu State Consumer Disputes Redressal Commission, Chennai by allowing this Civil Revision Petition and to direct to pass orders on merits in the application.

For Petitioner

: Mr.A.V.Arun

ORDER

Challenge has been made to the order of the Tamil Nadu State Consumer Disputes Redressal Commission, Chennai allowing the application filed by the respondent to examine the post-mortem doctor to substantiate his case.



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2. The respondent filed a complaint before the District Consumer Disputes Redressal Commission, Tiruvannamalai for claiming compensation on the ground of medical negligence. Though earlier, he has filed an application seeking to examine the experts that application has been dismissed by the forum in CMP.No.66 of 2023. Thereafter, the same is confirmed by the State Forum. Subsequently, another application has been filed by the respondent to examine the post-mortem doctor to prove his case. That application was dismissed by the District Forum, on appeal, the application was allowed by the State Consumer Forum. Challenging the same, the present revision is filed by the respondent.

3. The learned counsel for the petitioner submitted that since the District Consumer Forum and State Consumer Forum had already dismissed the application to examine the experts, once again, post mortem doctor cannot be examined by the respondent. Therefore, the order of the State Consumer Forum has to be set aside.

4. Heard the learned counsel for the petitioner and perused the materials placed on record.

5. The respondent has just filed an application to examine the doctor



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who performed the post mortem. I have also gone through the post mortem certificate. The post mortem certificate would indicate that the deceased had died of Pulmonary edema due to cardiac pathology aggravated by surgical procedures. This Court is of the view that even if the doctor who post-mortem is examined, he can confine his evidence only with respect to the post mortem alone and cannot substitute the view of experts. Such view of the matter, I do not find any merits in this revision.

6. Accordingly, this revision stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

23.06.2025

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Internet : Yes
Index : Yes/No
Speaking order / Nonspeaking order
Neutral Citation : Yes/No

N. SATHISH KUMAR, J.



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To

1. Tamil Nadu State Consumer Disputes Redressal Commission, Chennai
2. The Section Officer
VR Section, Madras High Court

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