



C.M.A.No.2344 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HON'BLE Mr. JUSTICE R. SURESH KUMAR
AND
THE HON'BLE Dr. JUSTICE A.D.MARIA CLETE

C.M.A.No.2344 of 2024
AND
C.M.P.No.27696 of 2024

M.Vignesh

.. Appellant

Vs.

1.Venkatesan

2.The Divisional Manager
Reliance General Insurance Company Limited
No.6, Haddows Road
Nungambakkam, Chennai 600 006

.. Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the portion of the order passed in M.C.O.P.No.893 of 2019 dated 19.01.2024 on the file of the Motor Accident Claims Tribunal, Tindivanam to the extent of fixation of the award amount and consequently to enhance the award amount as Rs.25,00,000/- and to allow the C.M.A. as prayed for in the interest of justice.

For Appellants : Mr.P.Pandiyaraj
1st Respondent : *Ex parte*
For 2nd Respondent : Mr.P.Suresh Srinivasan



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JUDGMENT

(Delivered by R. SURESH KUMAR, J.)

This Civil Miscellaneous Appeal has been directed against the award passed by the Motor Accident Claims Tribunal, Tindivanam, in M.C.O.P.No.893 of 2019, *i.e.*, originally before the Principal Sub Court, Tindivanam, in M.C.O.P.No.117 of 2016 and subsequently, transferred and renumbered as M.C.O.P.No.152 of 2016 on the file of the I Additional District Court, Tindivanam.

2. This is a case of multiple injury of the victim in the motor accident which occurred on 29.11.2015.

3. In order to get compensation, the injured filed a claim petition as stated above, which was awarded by the impugned award of the Tribunal.

4. As against such impugned award, though this Civil Miscellaneous Appeal has been filed by the claimant/appellant, Mr.P.Pandiyaraj, learned counsel appearing for the appellant/claimant would contend that the appellant/claimant also has filed C.M.P.No.27696 of 2024 in C.M.A.No.2344 of 2024,



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where permission sought for from this Court to produce medical bills as an additional evidence or documents to receive the same in C.M.A.No.2344 of 2024.

5. In this context, Mr.P.Suresh Srinivasan, learned counsel appearing for the 2nd respondent/insurance company would submit that even though copies of those documents have been served on him and on perusal of the same and after getting instructions from the insurance company, he stated that those documents *i.e.*, medical bills whether genuine or not and those medical bills are admissible or not can be decided by the Tribunal by letting in evidence. Hence, at this juncture, these medical bills cannot be permitted to be received as additional documents before this Court in the present Civil Miscellaneous Appeal.

6. In view of this stand taken by the learned counsel appearing for the appellant/claimant as well as the learned counsel appearing for the 2nd respondent/insurance company, when we suggested that for the purpose of verifying those documents and to receive the same as additional documents by the Tribunal, after letting in evidence in support of those documents to be filed by the claimant/appellant, the Tribunal can be requested to re-hear the matter,



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for which, whether the matter can be remitted back to the Tribunal, the learned counsel appearing for both sides readily agreed.

7. Recording the said stand taken by the learned counsel appearing for both sides and in view of the fact that a number of medical bills since the appellant/claimant wanted to produce before the Court to receive it as additional evidence, for the purpose of claiming reimbursement of the medical expenses incurred by the appellant/claimant, such an exercise has become inevitable and therefore, since the learned counsel appearing for both sides also wanted this matter to be remitted back to the Tribunal for the aforesaid exercise, we are inclined to dispose this Civil Miscellaneous Appeal with the following directions :

- i. That the M.C.O.P.No.893 of 2019 with the impugned order dated 19.01.2024 is hereby remanded to the Tribunal *i.e.*, Motor Accident Claims Tribunal (I Additional District Court), Tindivanam, for reconsideration of the issue, especially, in the context of additional documents proposed to be filed by the appellant/claimant mainly on the medical bills.
- ii. On such remand, it is open to the appellant/claimant to file necessary petition to receive those documents as additional



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evidence by the Tribunal and it is also open to the 2nd respondent/

insurance company to meet such an application to be filed by the appellant/claimant in the manner known to law.

- iii. The Tribunal is requested to dispose of the M.C.O.P. No.893 of 2019 within a period of three months from the date of receipt of a copy of this judgment.

With these observations and remand, this Civil Miscellaneous Appeal is disposed of. No costs. Connected C.M.P. is closed.

[R.S.K.,J.] [A.D.M.C., J.]
04.02.2025

Index : Yes / No
Neutral Citation : Yes/No
gya

To
The Motor Accident Claims Tribunal
Tindivanam



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AND
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