



WEB COPY



C.M.A.No.2168 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.2168 of 2021

and

C.M.P.No.12010 of 2021

The United India Insurance Company Limited,
Rep.by its Divisional Manager,
No.312, 1st Floor, J.N.Street,
Puducherry.

... Appellant/Respondent-2

Vs.

1.Muthukumaran

...1st Respondent /Claimant

2.Karthikeyan

...2nd Respondent/1st Respondent

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 16.07.2018 made in M.C.O.P.No.466 of 2015 on the file of the Motor Accident Claims Tribunal, Additional Subordinate Court, Puducherry.

For Appellant : Mr.Vijayaraghavan

For Respondents : No appearance for R1
R2-NDW vide order dated
06.02.2024



C.M.A.No.2168 of 2021

WEB COPY

J U D G M E N T

The appellant, who is the United India Insurance Company Limited, is before this Court by way of this appeal to set aside the judgment and decree dated 16.07.2018 passed in M.C.O.P.No.466 of 2015 passed by the Motor Accident Claims Tribunal, Additional Subordinate Court, Puducherry.

2. The facts of the case are that on 04.05.2015, when the first respondent/claimant was proceeding in his motorcycle bearing Reg.No.PY 01 BU 4434 along Villianur Main Road opposite to Kumaran Silks, Pavazha Nagar, Puducherry, a Maruti Car bearing Reg No.PY 01 Y 5867 was driven by its driver and dashed against the first respondent's vehicle, due to which, he sustained grievous injuries and thereby, he filed a claim petition before the Tribunal claiming compensation and the Tribunal awarded compensation of Rs.5,20,000/- in favour of the first respondent/claimant. Challenging the same, the present Civil Miscellaneous Appeal has been filed.



C.M.A.No.2168 of 2021

WEB COPY

3. The learned counsel appearing for the appellant/Insurance

Company submits that the appellant has no quarrel with the amount awarded under the other heads except the amount awarded under the medical expenses by the Tribunal. The medical bills contain 1 to 65 bills and bill Nos.1 to 64 are original receipts and the bill No.65 is the receipt issued by Sri Ramachandra General Hospital, Chennai and as per the receipt, he was admitted in the hospital on 07.05.2015 and was discharged on 22.05.2015 and therefore, the Hospital would have issued the receipt to the injured on 22.05.2015 itself. However, without producing the receipt issued by the Hospital, the first respondent/claimant has produced the receipt which was taken print out on 21.08.2015 after a lapse of three months and it is a duplicate bill which is not admissible. Hence, he prays for allowing this appeal to the aforesaid extent.

4. Though notice was served to the first respondent, no one appeared for the first respondent. Hence, this Court is inclined to dispose of this appeal based on the available materials on record.



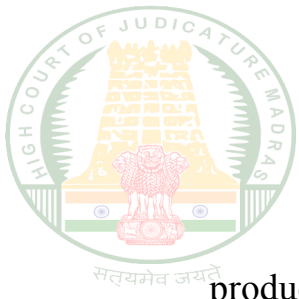
C.M.A.No.2168 of 2021

WEB COPY

5. This Civil Miscellaneous Appeal has been filed mainly challenging the medical receipt issued by Sri Ramachandra General Hospital, Chennai, which is alleged to be a duplicate one by the appellant/Insurance Company.

6. This Court perused the medical bills which were marked as Ex.P14 series which contains 65 documents. The appellant claims that series Nos.1 to 64 are original receipts, however, series No.65 is a xerox copy of the medical bill issued by the hospital and it is a duplicate one.

7. A perusal of series No.65 reveals that the first respondent was admitted in the hospital on 07.05.2015 and was discharged on 22.05.2015, but curiously, after a period of three months, the copy of the bill was taken print out on 21.08.2015. When the 1st respondent stood discharged on 22.5.2015, the original bill would have been issued by the said hospital and the 1st respondent ought to have produced the said bill. However, mere non



C.M.A.No.2168 of 2021

WEB COPY

production of the original bill alone cannot be the basis to decline the acceptance of Doc. No.65 belonging to Ex.P-14 series, which it has been issued by the hospital and is said to be a duplicate of the bill issued to the injured. Mere filing of the duplicate bill cannot be put against the injured unless the appellant/Insurance Company proves that the bill produced by the claimant is a false one by examining the representative of the hospital. Without examining any witness, the claim of the appellant/Insurance Company cannot be accepted by this Court. Therefore, the acceptance of the said document and award on the basis of the said document cannot be said to be erroneous.

8. Accordingly, the award dated 16.07.2018 passed in M.C.O.P.No.466 of 2015 by the Motor Accident Claims Tribunal, Additional Subordinate Court, Puducherry, is confirmed and this appeal stands dismissed. The appellant/Insurance Company is directed to deposit the entire compensation fixed by the Tribunal along with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of



C.M.A.No.2168 of 2021

WEB COPY

four weeks from the date of receipt of a copy of this order. On such deposit being made, the Tribunal is directed to transfer the compensation amount directly to the bank account of the 1st respondent through RTGS within a period of two weeks thereafter. There shall be no order as to costs in this appeal. Consequently, connected miscellaneous petition is closed.

06.01.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To

1. The Motor Accident Claims Tribunal,
Additional Subordinate Court, Puducherry.
2. The Section Officer,
V.R. Section,
High Court, Chennai.



WEB COPY



C.M.A.No.2168 of 2021

M.DHANDAPANI, J.

ssb

C.M.A.No.2168 of 2021

06.01.2025