

V.Padmanabhan Vs. Sheenith

V.Padmanabhan Vs. Sheenith

SooperKanoon Citation : sooperkanoon.com/1097373

Court : Kerala

Decided On : Nov-05-2013

Judge : Honourable Mr.Justice K.Vinod Chandran

Appellant : V.Padmanabhan

Respondent : Sheenith

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN TUESDAY, THE 5TH DAY OF NOVEMBER 2013 14TH KARTHIKA, 1935 OP (MAC).No. 3850 of 2013 (O)

ORDER

IN I.A.3660/2013 IN OPMV4042012 of M.A.C.T.,KOZHIKODE DATED 10-09-2013
PETITIONER(S): ----- V.PADMANABHAN, S/O VELAYUDHAN, AGED 59 YEARS, KOUSTHUBHAM, OPP.TELEPHONE EXCHANGE, CHEVAYUR, KOZHIKODE BY ADV. SRI.V.N.RAMESAN NAMBISAN
RESPONDENT(S): ----- 1. SHEENITH, S/O RAMACHANDRAN, KATTILEPEEDIKAYIL HOUSE, P.O. THALAKULATHUR, KOZHIKODE, PIN-673 321 2. THEHSEER, S/O MOIDEENKOYA, PANDARATH VALAPP, PO., KALLAI, PAYYANAKKAL, KOZHIKODE, PIN - 673 003 3. UNITED INDIA INSURANCE CO. LTD., HAPPY TOWERS, 2ND FLOOR, EAST ROAD, KOYILANDY, KOZHIKODE, PIN-673 305. BY SRI.JOHN JOSEPH VETTIKAD THIS OP (MAC)

HAVING COME UP FOR ADMISSION ON0511-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP (MAC).No. 3850 of 2013
APPENDIX EXHIBITS P1- TRUE COPY OF MEDICAL PRESCRIPTION DATED115.2011 ISSUED BY MEDICAL COLLEGE HOSPITAL, KOZHIKODE P2- TRUE COPY OF WOUND CERTIFICATE DATED185.2011 ISSUED BY MEDICAL COLLEGE HOSPITAL, KOZHIKODE P3- TRUE COPY OF DISCHARGE SUMMARY DATED295.2011 ISSUED BY THE MIMS HOSPITAL, KOZHIKODE P4- TRUE COPY OF I.A.NO.3660/2013 IN O.P.(MV) NO.404 OF 2012 FILED BY THE PETITIONER BEFORE THE COURT OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, KOZHIKODE. P5- TRUE COPY OF

ORDER

DATED109.2013 PASSED BY THE COURT OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, KOZHIKODE. //true copy// P.A.To Judge K.VINOD CHANDRAN, J - - - - - OP(MAC).No. 3850 of 2013 - - - - -
Dated this the 5th day of November, 2013 - - - - -
- -

JUDGMENT

The petitioner is aggrieved by Ext.P5 order by which the Motor Accidents Claims Tribunal, Kozhikode, rejected his application to be examined by a Medical Board. Absolutely no reason is stated in Ext.P5 but for saying that "on going through the available records no necessity to refer him to the Medical Board".

2. The learned counsel for the 3rd respondent submits before Court that the petitioner can be examined by his own doctor and the certificate would be produced and proved in evidence. However, on a specific query as to whether it could be recorded that the 3rd respondent would not dispute such medical certificate, the learned counsel is not agreeable. Necessarily if a certificate is produced by the petitioner of his own doctor, the same would be disputed by the Insurance Company and that would only lead to further delay in OP(MAC).3850/13 2 consideration of the claim application and to further litigation.

3. In such circumstances, Ext.P5 is set aside. The petitioner shall present himself before the Superintendent of Medical College Hospital, Kozhikode, on 18.11.2013,

who shall constitute a Medical Board and give a date to the petitioner for his examination. The petitioner shall co-operate with the same and shall present himself on the date given by the Superintendent of the Medical College Hospital, Kozhikode. The Medical report shall be forwarded to the Tribunal. The Tribunal shall await the report before proceeding further with the matter. The original petition is disposed of as above. Sd/- K.VINOD CHANDRAN, Judge MrCs //true copy//

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com