



Citation : CDJ 2018 MHC 4572

Court : High Court of Judicature at Madras

Case No : C.M.P.No. 6376 of 2018 in C.M.A.No. 2380 of 2015

Judges : THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN & THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Parties : The Branch Manager Versus Prabhu

Appearing Advocates : For the Petitioner: M/s. N. Vijayaraghavan, Advocate. For the Respondent: -----

Date of Judgment : 06-07-2018

Head Note :

Subject

Judgment :

S.Vaidyanathan, J.

Petitioner/Insurance Company has come up with the present Miscellaneous Petition seeking clarification of the order dated 12.04.2016 made in the case of **TATA AIG General Insurance Co. Ltd. vs. Prabhu**, for strict and better implementation of the reference of all injured claimants to Medical Boards as a matter of rule, mainly for the purpose of certifying the physical and functional disability of the accident victims and for assessment of compensation before the Claims Tribunal, in terms of this Petition.

2. The Insurance Company has filed this petition with an apprehension that the Division Bench consisting of Rajiv Shakder, J and one of us (SVNJ), has passed an order modifying the original order dated 12.04.2016 made in C.M.A.No.2380 of 2015. Firstly, by means of this Miscellaneous Petition, the order dated 12.04.2016 cannot be clarified/reviewed/modified. Secondly, by means of a letter that has been addressed, no Court, more particularly in C.M.A., can review the order dated 12.04.2016. We have not reviewed the original order and for the purpose of disposal of the representation, this Court has made observations therein and it no where modified the original order dated 12.04.2016. The order dated 25.11.2016 is an order, whereby, nowhere the Division Bench has modified the original order dated 12.04.2016. It is made clear that the order dated 12.04.2016 will prevail. The clarification issued in the order dated 25.11.2016 has not watered down the earlier observation made in the order dated 12.04.2016. It is further made clear that Doctors, who have examined/treated the claimants, alone can be examined as witness.

3. Before parting with, we expect that the directions contained in the order dated 12.04.2016 are incorporated in the Procedural Rules governing the Motor Accidents Claims Tribunal.

The Civil Miscellaneous Petition is disposed of with the above observation.