

BEFORE THE COURT OF I ADDL. SMALL CAUSES JUDGE & ACJM
& MOTOR VEHICLES ACCIDENT CLAIM TRIBUNAL, BENGALURU.
(SCCH-11)

DATED THIS THE 08TH DAY OF DECEMBER - 2025

PRESENT: SRI.NARENDRA.B.R., B.Sc, L.L.B.
I ADDL. SMALL CAUSES JUDGE & ACJM
& MEMBER - MACT

M.V.C NO.4187/2023

PETITIONER : Ramappa

Vs

RESPONDENTS : Jagannatha K and another

PARTIES TO I A NO III

APPLICANT : Bajaj Alliance General Ins
Co Ltd
..... Respondent NO.2

Vs

OPPONENT : Ramappa
..... Petitioner

ORDER ON I.A NO.III

The counsel for respondent No.2 filed I A No.III under Sec.151 of CPC, when the matter stood posted for respondent evidence, seeking to refer the petitioner to medical board. In the application, it is stated that the petitioner got examined the doctor as PW.2 who assessed the disability of petitioner. The disability assessed by the doctor is on the higher side and there will be no disability for the petitioner with respect to the nature of injuries sustained by him. The respondent No.2 disputes the disability assessed by PW.2 and in order to ascertain the disability, the petitioner needs to be referred to Medical Board. In order to properly assess the disability, the petitioner needs to be referred to Medical Board. On the said grounds, respondent No.1 sought to refer the petitioner to medical board.

2. The counsel for petitioner submitted no objection to the application.

3. Heard counsel for respondent No.2 and petitioner. Perused the materials on record.

4. On perusal of the materials, the below mentioned points arise for consideration;

1) Whether respondent No.2 made out grounds for referring the petitioner to Medical Board?

2) What order?

5. On consideration of the materials on record, this Tribunal answers the above points as below:

POINT NO.1 : In the Negative

POINT NO.2 : As per the final order

For the following:

R E A S O N S

6. **POINT NO.1**:- The petitioner filed the present petition seeking compensation for the injuries sustained by him in the accident. Respondent No.2 filed the present application seeking to refer the petitioner to medical board for assessing the disability. The petitioner got examined the doctor as PW.2 and said witness appears to have examined the petitioner for assessing the disability. The doctor, who treated the petitioner and assessed the disability, has been examined before the Tribunal. The witness has been cross

examined on behalf of respondent No.2. The petitioner could have been referred to medical board, if the materials on record are not sufficient to assess the disability or the petitioner has not been undergone examination for assessment of disability. The materials on record appear sufficient and satisfactory for assessing the disability of petitioner. The evidence of PW.2 appears sufficient and satisfactory in order to assess the disability, as contended by petitioner. Reference of petitioner to medical does not appear necessary in the present case. The petitioner got examined the person who examined the petitioner for assessing the disability and the evidence of said witness appears sufficient for ascertaining the disability of petitioner and to adjudicate the claim petition. The respondent No.2 contended that PW.2 assessed the disability at higher rate and as such, petitioner needs to be referred to Medical Board. The evidence of PW.2 is only expert evidence which is to be assessed along with other materials placed on record. The evidence of PW.2 is not the sole criteria for assessing and ascertaining the disability. The aspect of disability is to be

adjudicated on the basis of materials placed before the Tribunal which will be guided by evidence of PW.2. The evidence of expert is to aid the Court or Tribunal in assessing the disability and assist in adjudication of claim petition. The petitioner got examined the doctor who examined the petitioner for assessing the disability and also stated about the aspect of disability. The disability assessed by PW.2 is on higher side or not will be evaluated on consideration of other materials placed before the Tribunal. The evidence of PW.2 alone does not appear to be sole criteria for assessing the disability. As such, there appears no necessity to refer the petitioner to medical Board for assessing the disability. The materials placed before the Tribunal appears sufficient for ascertaining the aspect of disability. The respondent No.2 not made out grounds for allowing the application. **Hence, this Tribunal answers Point No.1 in the Negative.**

7. **POINT NO.2:** On consideration of above stated aspects and the materials on record, this Tribunal deems it appropriate to pass the following;

O R D E R

I.A No.III filed by 2nd respondent under Section 151 of CPC is hereby dismissed.

No order as to costs.

1st Addl. Judge & ACJM