

ORDERS ON IA No.XIV

The petitioner filed application under Section 45 of Indian Evidence Act and prays for referring the medical records pertaining to the minor petitioner treatment for the Medical Experts opinion, in order to assess the disability by the Medical Experts of the District Medical Board, (Plastic Surgery Department, Mysuru, K.R.Hospital) and directing them to assess the disability by examining the minor petitioner.

2. In the affidavit the natural guardian of the minor petitioner stated that, the petitioner got examined the doctor of K.R. Hospital, Mysuru as CW-1. But, the doctor who treated the minor petitioner at Apollo Hospital is not available for examination before the court. Therefore, it is not practicable to decided the disability consequent upon the accident on his injuries and which are grievous in nature. Therefore, he filed present application as prayed for.

3. Perused record.

4. The petition was filed under Section 166 of M.V. Act against the respondents seeking compensation for the injuries sustained by the road traffic accident had taken place on 11.12.2015 by the driver of vehicle bearing Reg.No.KA-46-0899. Due to the said accident the petitioner sustained multiple injuries to the abdomen, right hand, left thigh, left leg and waist portion.

5. Admittedly, the petitioner taken treatment from the Apollo hospital. But, the doctor who examined to the petitioner is not available for examination before the court with regard to the disability of the petitioner.

6. The counsel for petitioner submitted that, the treated doctor was transferred and difficult for the petitioner secured his presence due to poverty. Considering the medical condition of the petitioner, this court is of the opinion that if the case is disposed without

assessing disability from the competent person substantial injustice will be caused to the petitioner. Hence, this court is of the opinion that it is just and proper to refer the petitioner to District Medical Board for assessment of the disability.

7. Accordingly, the petitioner is referred to District Medical Board (Plastic Surgery Department), K.R. Hospital, Mysuru for assessment of the disability.

8. The authorities of K.R. Hospital are hereby directed to get admit the injured minor petitioner by name Ananthakrishna and to assess the disability in accordance with the central government gazette notification and has directed to submit the report within one month from the admission of the petitioner.

9. The petitioner is hereby directed to approach the K.R. hospital forthwith.

10. Issue intimation K.R. hospital accordingly.

MVC No.730/2016

Call on: 30.08.2024.

**Senior Civil Judge & JMFC,
K.R.Nagar.**