

IN THE COURT OF THE CIVIL JUDGE (SENIOR DIVISION),MUVATTUPUZHA

Present:- Sri. Atheek Rahman, Civil Judge (Senior Division)

Saturday, the 6th day of July, 2024 / 15th Ashada 1946

I.A.No. 1/2024 in O.S No.37/2022

Petitioner:-

Yasina Azees, D/o Azees, aged 20 years, Kuruppathadathil, Kizhakkekkara Kara, Muvattupuzha Village, Muvattupuzha Taluk represented by her power of attorney holder Azees S/o Saithumhammad aged 50 years, Kuruppathadathil Veedu, Kizhakkekkara Kara, Muvattupuzha Village, Muvattupuzha Taluk.

By Advs. N Ramesh & Raju P V

Respondents:-

- 1 Nirmalamatha Church Muvattupuzha, Near Nirmala College, Muvattupuzha Kara, Muvattupuzha Village, Muvattupuzha Taluk represented by its Vicar.
- 2 Rev: F: Sottar Peeringarappilly, aged about 55 years, Vicar of Nirmalamatha Church, Muvattupuzha South, Muvattupuzha Kara, Muvattupuzha Village, Muvattupuzha Taluk.
- 3 George, aged about 55 years, S/o Methipparayil Kurian, Mavinchuvad Bhagom, Muvattupuzha Kara, Trustee of Nirmalamatha Church.
- 4 John, aged about 55 years, S/o Lonappan, Panokkaran Veedu, Near Muvattupuzha NEST, Muvattupuzha Kara.
- 5 Tomy, aged about 55 years, S/o Joseph, Mar Basil Veedu, Kizhakkekkara kara, Muvattupuzha Village.

R1 to R5 - By Advs. Paul Mathew & Babitha T H

This petition is filed under Section 151 of Civil Procedure Code for referring the petitioner to medical board and is coming on for hearing on

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06.07.2024 in the presence of the above counsels and the Court on the same day passed the following:-

ORDER

This petition is filed by the petitioner/plaintiff under Section 151 of the Code of Civil Procedure for referring the petitioner to medical board. This petition is supported by an affidavit sworn by the power of attorney holder of the petitioner/plaintiff.

2. The brief averments in the affidavit in support of the petition are as follows: The suit is filed for damages. The petitioner/plaintiff lost her middle finger, ring finger and little finger of the left hand in a blast. In order to call for report regarding percentage of the disability and disfiguration, it is highly essential to refer the petitioner/plaintiff to a medical board and to call for a report. Hence, the petition.

3. Both sides were heard.

4. The respondents have no objection in allowing the petition. I have perused the affidavit in support of the petition and rival pleadings in the suit. I am satisfied that the petitioner/plaintiff has made out a case to

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refer her to the medical board to call for a report regarding the percentage of disability and disfiguration claimed by the petitioner/plaintiff.

In the result petition is allowed. The Superintendent of Government General Hospital Muvattupuzha is directed to constitute a Medical Board consisting of Physician, Orthopaedic Surgeon and Neurosurgeon or some other experts/doctors in accordance with the existing law and rules and issue a disability certificate of plaintiff showing the functional disability caused due to the blast on 01.02.2015, according to law.

Dictated to the Confidential Assistant, typed by her directly into computer, corrected and pronounced by me in the Open Court, this the 6th July 2024.

Sd/-
ATHEEK RAHMAN
CIVIL JUDGE(SENIOR DIVISION)

APPENDIX :- Nil

Sd/-
CIVIL JUDGE(SENIOR DIVISION)

Typed by : Ss/-

Compd by : Pkm/-

// True Copy // (By Order)

Sheristadar

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Copy of Order

in I.A. 1/2024

in O.S. 37/2022

Dated: 06.07.2024