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**BEFORE THE MEMBER, MOTOR ACCIDENT CLAIM TRIBUNAL,
MALKAPUR, DISTRICT- BULDHANA**

Motor Accident Claim Petition No.167/2021

ORDER BELOW EXHIBIT – 42

MHBU110005622021 **Parasram Visandas Tulsani & anr.**



... Applicants

Versus

Pradhyumanbhai Bipinbhai Boricha & othrs.

... Respondents

The applicants have filed the main petition for compensation on account of motor vehicle accident in which the wife of applicant no.1 and mother of applicant no.2 died. By way of the present application, they are seeking to exhibit medical bills without insisting for examination of the authorized person of the hospital where the deceased was taking treatment prior to his death.

2. The applicants state that medical bills and receipts about pathological investigation are filed in the proceeding. Those have not been disputed by the respondents till today. The accidental death of Nisha is not disputed. Nisha was treated in the reputed hospital by name Icon hospital prior to his death. In the situation, it is prayed that the hospital bills and medical bills be admitted in evidence as strict rules of evidence are not applicable to the proceedings.

3. The respondents were directed to file reply. There has been no reply to this application till today. However, both the parties have made submissions on this applications.

4. Ld. advocate representing the applicants relied upon the decision of Hon'ble Punjab and Hariyana High Court in ***Smt. Parsanni V/s. Shri. Sube Singh & anr.*** reported in 2012 (3) T.A.C. 397 (P.&H.), the decision of Hon'ble Bombay High Court in ***Prakash Mahadeorao Nirmal V/s. Rajesh Ramfer Yadav & othrs.*** reported in 2014(3) Mh.L.J., the decision of Hon'ble Madras High Court in ***Shanmugham V/s. The managing Director, Tamil Nadu State Transport Corporation, (Tnstrc), Villupuram Division*** reported in 2006 CJ(Mad) 2314 and also the decision of Hon'ble Bombay High Court in ***National Insurance Co. Ltd. Mumbai V/s. Bhagwan Bhika Shirsath & othrs.*** reported in 2020(3) Mh.L.J. 130.

5. He submits that the rules of evidence are not strictly applicable to the cases filed under the provisions section 166 of the Motor Vehicle Act. According to him, the defendants have not disputed the factum of accidental death and medical treatment taken by the deceased prior to such death. The bills and receipts filed on behalf of applicants which are issued by the reputed hospital can be directly admitted in the evidence without insisting for formal proof.

6. From the side of the respondents, it is submitted that the decisions cited on behalf of the applicants are deviating on facts. He however, admits the fact that application of rules of evidence is not strictly necessary. Still according to him, for abundant precaution, it is necessary to examine doctor or authorized person from the hospital in proof of the medical bills and receipts.

7. Having considered the submissions on behalf the both the sides and summary of the above referred decisions, one fact is clear that the rules of evidence as per the provisions of the Indian Evidence Act is not strictly applicable to the cases filed under the provisions of section 166 of the Motor Vehicles Act. That apart, the death has not been disputed. The accident is also not disputed. In the situation, treatment prior to the death if not disputed, and if the bills are found reasonable, those can be directly admitted in evidence without insisting for the examination of concern doctor who treated the deceased prior to death.

8. In the situation, having considered the fact bills produced on record are reasonable and providing opportunity to the respondents to falsify the bills and receipts, those be exhibited. Accordingly I pass the following order.

ORDER

1. The application is allowed.
2. The medical bills, discharge card, receipts and treatment papers produced on record along with payments of receipt are admitted in evidence subject to permission to the respondents to led necessary evidence to challenge the bills and receipts.

Date : 21/09/2022

(S. V. Jadhav)
Member, Motor Accident Claim
Tribunal, Malkapur.

CERTIFICATE

I affirm that the contents of this PD.F. file of order is same, word to word, as per the original order.

Name of the Stenographer	Balkrishna M. Shilwant.
Court	Adhoc District Judge-1 & Addl. Sessions Judge, Malkapur.
Date	21/09/2022
Order signed by the presiding officer on	21/09/2022
Order uploaded on	22/09/2022