M.P. No. 3/2026 in MCOP No. 2973/2025

04.06.2026

Order:

The petition is filed by the petitioner/Claimant in the Claim Original Petition seeking for issuance of *subpoena* to the Medical Record Superintendent, Sri Parvathy Ortho Hospital, Chrompet, Chennai to produce the entire medical treatment records of the Petitioner. Other side reported 'no counter' for obvious reasons.

2. Heard the learned Counsel for the Petitioner. According to the learned Counsel for the Petitioner, the petitioner availed treatment for her injuries from 06.03.202 to 11.03.2025 and spent Rs. 3,66,166/- and to prove the same, the witness is required to be summoned.

3. Perused the records. At the outset, it is pertinent to note that the Hon'ble Division Bench of the Hon'ble High Court of Madras in ***Oriental Insurance Company limited v. V.Shanthi & Anr.***, **Civil Miscellaneous Appeal No.1411 of 2014,** dated **10.03.2016** had issued a direction to dispose of a claim petition within a time frame of One year from the date of numbering of the petition. However, this petition has been kept pending for more than the said period for various reasons.

4. It is pertinent to note that the purpose sought for by the petitioner for issuing summons to the witness is to prove the medical records produced on her behalf. No other reason has been pleaded by the Petitioner in the petition.

5. A perusal of the records would go to show that the Ex.P12 Original Medical Bills were produced before the Tribunal and during the cross examination, the Respondent appeared to have objected to the same by raising question that only if the Hospital authority is examined its truthfullness could be ascertained.

6. However, for the said reason, it is not, at all, necessary to issue summons to the Hospital Authorities. If, at all, the Respondent genuinely objects the medical bills, it is only for the Respondent to plead and prove the frauds, if any, of the Medical Bills for which the Petitioner need not take such steps.

7. The Hon'ble High Court in ***N.Srinivasan and others Vs. Mrs.Vidhya Durai,*** **2011-3-L.W.112** has held that issuance of *subpoena* to the witness is not an automatic and the Court has got powers to refuse the issuance of summons to a witness whose examination is not necessary.

8. In fine, the petition being devoid of merits deserved to be dismissed. Accordingly, the petition is dismissed.

DHARMAPRABUM

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Date: 2026.06.04 17:28:37 +0530

III Judge,
Court of Small Causes,
Chennai.