

**Before the Motor Accident Claims Tribunal, Ramanathapuram.
(Chief Judicial Magistrate Court, Ramanathapuram.)**

**Present : Thiru.J.Jeya Suthahar, M.Sc., L.L.M.,
Motor Accident Claims Tribunal Authority, Ramanathapuram
(Chief Judicial Magistrate, Ramanathapuram.)**

Thursday, the 20th day of August 2026

I.A.No.3/2026

in

M.C.O.P. No.44/2025

M/s.New India Assurance Co.Ltd., Ramanathapuram
through its Branch Manager.

...Petitioner/2nd Respondent

//Vs//

Abdul Malik

...Respondent/Petitioner

This petition came before me for final hearing on 18.08.2026 in the presence of Mr.P.Venkatesan, Learned counsel for the petitioner and Mr.Deva Preethi Dhinakaran, Learned counsel for the respondent and upon recording the endorsement made by the learned counsel for the respondent that the petition may be allowed on terms and upon hearing the arguments on the side of the petitioner and upon perusal of records and having stood over for consideration till this day, this court doth delivers the following;

ORDER

This petition is filed by the petitioner/2nd respondent under Order 16 Rule 1 CPC to grant permission to examine the Medical Record Officer, Lakshmi Hospital as witness on their side by issuing summon to him.

2. The averments in the petitioner's affidavit in brief:

The petitioner is the 2nd respondent in the above main petition. The petitioner has to examine the Medical Record Officer, Lakshmi Hospital to clarify the medical bills. Hence permission has to be granted to examine the said witness on the side of the petitioner. Hence this petition is filed.

3. The learned counsel for the respondent made endorsement that the petition may be allowed on terms.

4. Both side no oral and documentary evidence is adduced in this petition.

5. The point for decision is whether this petition deserves to be allowed or not?

6. The petitioner has filed this petition seeking permission to examine the Medical Record Officer, Lakshmi Hospital as a witness on their side by issuing summon to him. But the petitioner has not furnished the address of the witness in the affidavit as well as in the petition. Further though the petitioner has stated in his affidavit that the said witness has to be examined to clarify the medical bills, he has not stated what medical bills needs clarification and on what aspect they have to be clarified. He has bluntly stated that the Medical Record Officer, Lakshmi Hospital has to be examined to clarify the medical bills. The petitioner has not furnished any valid reason to examine the Medical Record Officer, Lakshmi Hospital as a witness in this case.

7. Further even if the medical bills filed by the respondent is disputed by the petitioner, the burden is upon the respondent to prove the bills. The petitioner need not venture to prove the veracity of the bills filed by the respondent. So merely

because the respondent's counsel made endorsement that the petition may be allowed on terms, this court is of the view that the petition need not be allowed in a mechanical manner.

8. Hence considering the above facts and circumstances of this case this court is of the view that this petition is devoid of merits and the same deserves to be dismissed.

9. In the result, this petition is dismissed. No costs.

Dictated to the Steno-typist directly and typed and printed out by her and corrected, pronounced by me in the open court on this, the 20th day of August 2026.

Presiding Officer, MACT /
Chief Judicial Magistrate,
Ramanathapuram.

Petitioner and respondent side witness and documents: NIL

Presiding Officer, MACT /
Chief Judicial Magistrate,
Ramanathapuram.