



2026:CGHC:13434



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 325 of 2026

Virendra Kumar Ogle Son Of Late Shriram Ogle Aged About 53 Years Resident Of Road - 53, Quarter No.03/e Sector -08, Bhilai, District - Durg, Chhattisgarh.

... **Petitioner(s)**

versus

1 - Bhanu Prasad Gandharv Son Of Shyamacharan Gandhav Aged About 35 Years Resident Of 1- Satmara, Thana Gundardehi, District - Balod Chhattisgarh, 2-C/o- Smt. Anita Verma, Plot No.15, Road No.06, Pragati Nagar, Thana - Newai, District - Durg, Chhattisgarh.

2 - Anita Verma Plot No.15, Road No.06, Pragati Nagar, Thana - Newai, District - Durg, Chhattisgarh.

3 - Choramandalam M.S. General Insurance Company Ltd. Simran Tower Second Floor, In Front Of L.I.C. Building Pandari, Raipur, Tahsil And District - Raipur, Chhattisgarh.

... **Respondent(s)**

For Petitioner(s) : Mr. C.R. Sahu, Advocate

Hon'ble Shri Justice Ravindra Kumar Agrawal, J.

Order on Board

19/03/2026

1. Heard.
2. The present writ petition has been filed under Article 227 of the Constitution of India by the petitioner against the impugned order dated 17.02.2026 passed by the learned Fifth Motor Accident Claims



Tribunal, Durg in Civil Case No. MACT/123/2022 whereby the application filed by the petitioner for recording evidence of the Doctor who issued the Disability Certificate to the petitioner, has been rejected.

3. Learned counsel appearing for the petitioner would submit that the petitioner is a claimant before the learned Motor Accident Claims Tribunal, where he is prosecuting the claim case for compensation on account of his injuries which has been caused to him in motor accident with the offending vehicle car bearing registration No. C.G. 07 BS 7776 at Bhilai. By the said accident, he received grievous injuries on various parts of his body and against the said accident and injuries, he filed an application for compensation under the Motor Vehicles Act. The claimant/petitioner has been examined before learned Motor Accident Claims Tribunal, Durg on 18.11.2024 and his cross examination was completed on 14.08.2025. Since, the petitioner was injured in the accident and he could not be examined himself before the District Medical Board and could not obtain any medical certificate, he has not proposed for examination of Doctor in support of his case, however, he could get himself examined by the Orthopedic Surgeon on 10.02.2026 and only thereafter, he could obtained his Disability Certificate which has been produced before the learned Motor Accident Claims Tribunal on 16.02.2026 alongwith the application for permission to examine the Doctor who issued the said Disability Certificate.
4. He would further submit that to prove the injuries of the claimant/petitioner, examination of Doctor is necessary and for want of any Disability Certificate he could not proposed the Doctor to be examined in the case. Immediately after obtaining the Disability Certificate, he



moved the application alongwith the document, therefore, the petitioner/ applicant may be permitted to get the Doctor examined in the case in his support as his witness. He would further submit that the non-applicant witness has not been examined till date though the case was fixed for recording of non applicant's witness. He would also submit that no prejudice would be caused to the opposite party and they have every right to cross examine the witness, therefore, the application may be allowed and the impugned order may be set aside.

5. I have learned counsel for the petitioner and perused the material annexed with the petition.
6. From perusal of the document annexed with the petition, it transpires that the petitioner is a claimant in the claim case pending before the learned Motor Accident Claims Tribunal, Durg where he was prosecuting his application for compensation on account of his injuries caused in a motor accident. During the proceeding, he filed an application on 12.02.2026 under Order 7 Rule 14 of CPC for taking his Disability Certificate on record which was issued by the Orthopedic Surgeon of District Hospital, Durg, a copy of the Disability Certificate has also been annexed in the present writ petition at page No. 24. On 16.02.2026, the petitioner moved another application for permission to examine the Doctor who issued the Disability Certificate in his favour as the Doctor has opined that the petitioner/claimant has suffered 20% of permanent partial disability. The application filed by the petitioner before the learned Trial Court has been rejected on 17.02.2026 on the ground that the petitioner/claimant has already closed his right to lead evidence after examining himself in the case and at that time there was



no Disability Certificate available in the record and even from the date of incident that is of the year, 2021, till date the petitioner could not get his disability certificate and has not tried to examine the Doctor from whom he was taking treatment. The learned trial Court has also considered that the application under Order 7 Rule 14 of the CPC has been filed after the considerable delay and it was related and as a consequence of rejection of the application and Order 7 Rule 14 of CPC, the other application for examining the Doctor has also been rejected. The proceeding under the Motor Accident Claims Tribunal is beneficial proceeding to advance compensation to the victims and proper opportunity to prove their case in support of their injury is required to be provided to the party concerned and mere delay may not be figure out to reject their application, particularly, when the cross examination of the applicant was concluded on 14.08.2025 and that he get himself examined before the Orthopedic Surgeon at District Hospital, Durg on 10.02.2026 and obtained his Disability Certificate. Immediately thereafter, on 12.02.2026, he filed the certificate before the learned Motor Accident Claims Tribunal and availed his remedy to get the Doctor examined for which he filed the application.

7. It is also submitted by the learned counsel appearing for the petitioner/claimant that though the case was fixed before the learned Motor Accident Claims Tribunal on 10.03.2026 for recording the evidence of the non applicant, however, on that day no witnesses from the non applicant side have been examined and the case is adjourned.
8. Be that as it may, the petitioner is a claimant in the case and he filed his Disability Certificate in the proceeding for which he is prosecuting



his claim case for compensation, the Disability Certificate appears to be a vital document to prove his claim before the learned Motor Accident Claims Tribunal for which he availed his remedy and filed application for permission to get the Doctor examined who issued the said Disability Certificate. The non applicants have every right to cross examine the witness who appeared from the applicant's side and there appears to be no prejudice is being caused if the Doctor would have been examined in the proceeding.

9. Therefore, this Court is of the opinion that the learned trial Court has committed an illegality in rejecting the application of the petitioner filed under Order 7 Rule 14 of CPC and under Section 151 of CPC, as a consequence the writ petition is allowed and the impugned order dated 17.02.2026 is set aside. The application filed by the petitioner under Order 7 Rule 14 as well as under Section 151 of CPC are allowed. The petitioner is permitted to examine the Doctor in support and in such eventuality, the non applicants may cross examine the Doctor.
10. The learned Trial Court is directed to fix a date for recording evidence of the Doctor who issued the Disability Certificate in favour of the petitioner. It is made clear that the parties shall not take any unnecessary adjournment in the proceeding. The expenses of such examination of Doctor shall be borne by the petitioner/claimant.
11. With the aforesaid observation the present writ petition is **allowed**.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE