



C.M.A.No.1523 of 2023

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WEB CO **R.SUBRAMANIAN, J.**
and
N.SENTHILKUMAR, J.

[Order of the Court was made by R.SUBRAMANIAN, J.]

An affidavit has been filed by Dr.K.Keshavamurthy, Chief Medical Officer, Kovai Medical Center and Hospital Limited pursuant to our order dated 04.08.2023. We find that the affidavit is an attempt to further the case of the appellant. As we have narrated in the order dated 04.08.2023, two discharge summaries issued by the Kovai Medical Center and Hospital Limited, Coimbatore, show that the accident occurred due to a self-fall. The first discharge summary was issued on 29.05.2015 which records the statement of the injured himself made at the time of his admission on 18.05.2015, the date of accident. The second discharge summary was issued on 26.06.2015 at the time of second admission into the hospital. This discharge summary also records that it was a self-fall. However, when the appellant got admitted for third time in a different hospital viz., Ganga Medical Centre & Hospital (P) Ltd., Coimbatore, on 20.08.2015, almost three (3) months after the accident, a new story is introduced as if there was a head on collusion with a bus. Surprisingly,



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the Motor Vehicle Report of the bus does not show any damage to the bus. The Motor Vehicle Report of the two wheeler, which the victim was riding at the time of accident, also shows that there is damage only to the head light and rear view mirrors. If it is a head on collision with the bus, the damage for the two-wheeler must be definitely more than what has been described in the Motor Inspector's report. There is yet another discharge summary dated 08.08.2017, which shows that the appellant was again admitted in Ganga Medical Centre & Hospital (P) Ltd., Coimbatore, on 02.08.2017 where the collusion theory is reiterated. The First Information Report itself was registered 56 days after the accident. Hence, we have very great suspicion over the manner in which the accident had occurred. The Tribunal had disbelieved the theory of accident and dismissed the claim petition.

2. In order to buttress the claim before this Court, a document described as 'Accident Detail Form' without any date issued by Kovai Medical Center and Hospital Limited, Coimbatore, has been produced. This certificate, in our opinion, is nothing but a brazen attempt by the hospital to collude with the appellant. We had required the Doctor, who had signed the certificate to file an affidavit explaining the discrepancy.



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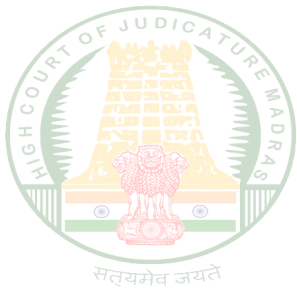
He has washed off his hands stating that all entries were made as per the statement made by the claimant and his companion. Before embarking on further action, we are of the considered opinion that we should give an opportunity to both the hospital and the police to explain their stand.

3. We, therefore, *suo motu* implead Kovai Medical Center and Hospital Limited, Post Box No.3209, Avanashi Road, Coimbatore, as a party respondent to this appeal and rank them as the fourth respondent in the appeal.

4. Since we suspect that the police were also hand-in-glove with the claimant in creation of these records, we implead the Commissioner of Police, Coimbatore, as a party respondent and rank them as the fifth respondent.

5. We direct the Registry to issue notice to the newly added parties for the hearing on 11.12.2023.

6. We further direct the Commissioner of Police, Coimbatore, to depute a responsible officer to be present before this Court with all files



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relating to Crime No.314 of 2015 dated 09.07.2015 registered with Karumathampatti Police Station.

7. Notice addressed to the hospital shall also require the hospital to produce all the records relating to the accident and the treatment given to the appellant on the said date.

8. Notice to other respondents returnable by 11.12.2023.

9. Registry is directed to call for records from the Motor Accident Claims Tribunal, Tirupur, forthwith and ensure that the records are made available before this Court on 11.12.2023.

Call on 11.12.2023.

[R.S.M., J] [N.S., J]
10.11.2023

gm

Note: Registry is directed to carry out necessary amendment in all the concerned records.

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