

BEFORE THE COURT OF I ADDL. SMALL CAUSES JUDGE & ACJM &
MOTOR VEHICLES ACCIDENT CLAIM TRIBUNAL, BENGALURU.
(SCCH-11)

DATED THIS THE 02ND DAY OF AUGUST - 2025

PRESENT: SRI.NARENDRA.B.R., B.Sc, L.L.B.
I ADDL. SMALL CAUSES JUDGE & ACJM
& MEMBER - MACT

M.V.C NO.7679/2024

PETITIONER : Rakshith S M

Vs

RESPONDENTS : Akasha Jadhav and others

PARTIES TO I A NO IV AND V

APPLICANT : Rakshith S M
..... Petitioner

Vs

OPPONENT : Akasha Jadhav and others
..... Respondents

ORDER ON I.A NO.IV AND V

The counsel for petitioner filed I.A No.IV under Order VI rule 16 of CPC and I.A No.V under Order VI rule 17 of CPC. In the affidavit accompanying the

applications, it is stated that the petitioner was working after completion of his education and earning salary from his work. But, in the petition, the petitioner is shown to be a student due to inadvertence and same needs to be struck out. Further, it is contended that the occupation has not been shown in the cause title and relevant particulars related to the subject matter could not be inserted in the petition due to inadvertence. The said mistake needs to be rectified for which amendment of petition is just and necessary. On the said grounds, the petitioner sought to allow the applications.

2. Counsel for respondent No.4 submitted no objection to the applications. Respondent No.1 to 3 not filed objection to the application in spite of according opportunities and as such, objection of respondent No.1 to 3 is treated nil.

3. Heard the counsel for petitioner. Argument of respondents on the applications is treated nil. Perused the materials on record.

4. On perusal of the materials, the below mentioned points arise for consideration:

- 1) Whether petitioner made out grounds for allowing the applications?

2) What order?

5. On consideration of the materials on record, this Tribunal answers the above points as below:

POINT NO.1 : In the Affirmative
POINT NO.2 : As per the final order
For the following;

R E A S O N S

6. **POINT NO.1:-** The petitioner filed the present petition seeking compensation for the injuries sustained by him in the accident. In the applications, it is contended that the particulars pertaining to the petitioner has been wrongly mentioned and facts related to subject matter of the petition could not be stated due to inadvertence. The particulars pertaining to the petitioner needs to be properly entered and same are necessary for proper adjudication of the petition. Further, the petitioner intends to explain certain facts related to the petition filed by him. The aspects which the petitioner intends to incorporate appear just and necessary for adjudication of petition. The respondents not resisted the contention of petitioner by filing objection. The proposed amendment is intended to incorporate proper particulars of petitioner and the facts related to the

subject matter of the petition. The proposed amendment does not appear to incorporate new things or new cause of action. The proposed amendment appears just and necessary for proper adjudication of the matter and to meet the ends of justice. The petitioner made out grounds for allowing the applications. **Accordingly, Point No.1 is answered in the Affirmative.**

7. **POINT NO.2**:- For the discussions made above, this Tribunal proceeds to pass the following:

ORDER

The I.A No.IV and V filed by the petitioner under Order VI rule 16 R/w S 151 of CPC and under Order VI rule 17 R/w S 151 of CPC respectively, are hereby allowed.

The petitioner is permitted to strike out the pleading as sought in I.A No.IV and to amend the petition as sought in I.A No.V and is directed to furnish amended petition after carrying out suitable amendment to the petition.

1st Addl. Judge & ACJM