

I.A.No.13 filed by the respondent No.2 U/O.6 Rule 17 R/W Sec. 151 of CPC requesting the Court to permit the respondent No.2 to amend the petition as shown in schedule to the application.

To the above petition the counsel for the respondent No.1 filed objections and denied all averments of the application as well as affidavit.

Advocate for petitioner has not filed any objection to above said application.

Heard on both sides.

Perused the records placed before the Court.

The following points arise for my consideration:

Point No.1 : Whether respondent No.2 has made out sufficient grounds to allow an application seeking amendment to the pleadings ?

Point No.2 : What Order ?

My answer to the above points are as follows:

Point No.1 : In the affirmative,

Point No.2 : As per final order, for the following:

REASONS

Point No.1 : It is stated in an affidavit filed in support of application that, petitioner has wrongly stated insured Shivaraju B.S. is driver-cum-owner and they have filed their objection statement stating at para 9(a)-1st and 2nd line Driver/Owner/Respondent No.1 and thereafter the petitioner had amended the claim Petition and added respondent No.3 Abdul Razak as driver of the vehicle and filed amended claim petition stating that respondent No.1 as driver and respondent No.2 is also driver of the offending vehicle Lorry. On verification of the documents marked by him i.e., charge-sheet/Exhibit P-4 reveals that respondent No.3 is driver of the lorry. Therefore his objection statement is required to be corrected by way of amendment i.e., to delete at para 9(a) 1st and 2nd line owner/respondent No.1 and to add respondent No.3.

It is further submitted that, the fact of misrepresentation and production of fake D.L. by the insured had recently come to his knowledge when he was approached R.T.O.

Authorities, Mumbai on 25/03/2021 by furnishing the D.L. copy which is produced by the insured to this Hon'ble Court and marked as Ex.R.6. Therefore the proposed amendments are very necessary to protect the interest of his company.

Taking into consideration of bonafide reasons, if application is allowed it may not cause any hardship to respondents and petitioners. Hence application deserves to be allowed. Hence I answer point No.1 in the Affirmative.

Point No.2 : On above made discussion on point No.1, I proceed to pass the following:

ORDER

I.A.No.13 filed by the respondent No.2 U/O.6 Rule 17 of CPC is hereby allowed.

The respondent No.2 is permitted to amend the objections statement as prayed for in the schedule to the application.

The respondent No.2 is hereby directed to carry out amendment to the pleadings as sought for, and furnish amended objection statement copy within next date of hearing.

Call on : Sd/-

Senior Civil Judge & JMFC
Harihara.