

IN THE COURT OF IV ADDL. SENIOR CIVIL JUDGE
AND J.M.F.C., DHARWAD.

PRESENT: SRI.ANAND S KARIYAMMANAVAR

B.A., LL.B(Hon's)

IV Addl. Senior Civil Judge
& J.M.F.C., Dharwad.

MVC No.74/2023

Dated : 10th day of September 2025

Plaintiff/s : Vinaykumar S/o Basavaraj Honakeri.

V/s.

Defendant/s: Uday S/o Devappa Naik & another.

PARTIES TO IA NO.V

Applicant/s : Vinaykumar S/o Basavaraj Honakeri.
(Org Pet)

V/s.

Opponent/s: Uday S/o Devappa Naik & another.
(Org Res)

ORDER ON IA No.V

The counsel for petitioner filed this application under Order 6 Rule 17 R/w Section 151 of CPC thereby sought to amend the petition.

2. Further the petitioner filed his affidavit in support of this application and submitted that, he has filed petition against

the respondents for the relief of grant of compensation on account of injuries sustained by him in the road traffic accident. At the time of filing of the petition, petitioner was suffering from 50% disability, but petitioner has not yet recovered and he is suffering from 100% disability. Hence he intending to delete the page No.4 column No.21(5) “For permanent disability 50%, $50,000 \times 50\% = \text{Rs.}25,000 \times 12 \times 17 = \text{Rs.}51,00,000/-$ and prayed for add “For permanent disability 100%, $50,000 \times 100\% = \text{Rs.}50,000 \times 12 \times 17 = \text{Rs.}1,02,00,000/-$. Thereby sought to allow the application.

3. In spite of opportunity, respondents not filed any objection to this application.

4. Heard the counsel for petitioner on I.A No.V and perused the material available on record.

5. Now the following points arise for my consideration.

1.	Whether the application filed by the petitioner deserves to be allowed ?
2.	What order ?

6. My answers to the above points are as under.

Point No.1 : In Negative.

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

REASONS

7. **Point No.1:-** The petitioner filed this petition seeking compensation on account of injuries sustained by him in the Motor Vehicle Accident. At the time of filing of the petition, petitioner was stated that he is suffering from 50% disability, but he has not recovered yet and he is suffering from 100% disability. Therefore, he intending to amend the petition by adding 100% disability instead of 50% disability. However, petitioner has not produced any authenticate document that he is suffering from 100% of disability and in the absence of such document, present application filed by the petitioner is not acceptable. Hence, for the above stated reasons, I have answered **point No.1 “In Negative”**.

8. **Point No.2:-** For the reasons stated while discussing **point No.1**, I proceed to pass the following:-

ORDER

***IA No.V filed by the petitioner under
Order 6 Rule 17 R/w Section 151 of CPC
is hereby rejected.***

No order as to cost.

*(Dictated to stenographer, typed by her, corrected and then pronounced by me
in the open court on **10th day of September 2025**)*

(Anand S Kariyammanavar)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

For order
10-09-2025

(Order pronounced in the open Court vide separate order)

ORDER

***IA No.V filed by the petitioner under Order
6 Rule 17 R/w Section 151 of CPC is
hereby rejected.***

No order as to cost.

(Anand S Kariyammanavar)
IV Addl. Senior Civil Judge,
& J.M.F.C., DHARWAD.

