

NARENDER SINGH VS JOGENDER PAL & Ors.

Present: Sh. Pawan Singh, Advocate for the petitioner.
Sh. Surjeet Singh Yadav, Advocate for the respondents no.1 & 2.
Sh. Deepak Gupta, Advocate for the respondent no.3.

This order shall dispose of application under Order 6 Rule 17 for amendment in the petition.

The learned counsel for petitioner has submitted that there are clerical/typographical mistakes in para no.8 regarding the time of accident as the time was written as 7:00 PM instead of 10:30 AM; in para no.23(i) the monthly income was shown as Rs.26,000/- instead of Rs.25,000/-; in para no.24 the vehicle number of respondent no.1 was written as HR-36AX-2181 instead of HR-36-AG-2181. Prayer is made for the said corrections in petition and for allowing the application.

No reply is filed by respondents no.1 and 2.

Respondent no.3 filed reply with the submissions that there is delay of two days in lodging FIR, the present application has been moved in order to fill up the lacuna. He also submitted that once the trial has commenced, no amendment can be allowed. It is further submitted that Insurance company is not liable to pay any interest due to the delay on the part of petitioners. It is denied that there are clerical mistakes and prayer is made to dismiss the application.

Heard and perused the file.

The case is at the stage of evidence of petitioners. So far as the mistake regarding the time in para no.8 is concerned it is mentioned as 7 PM however in FIR No.262 dated 25.05.2022 attached with the petition, the time is duly mentioned as 10:30. It seems clerical mistake. Further as regard to the monthly income in para no. 23(i), it is shown as Rs.26,000/- on the petition and petitioner wants to amend it as Rs.25,000/-. It also appeared to be a clerical mistake and also no prejudice would be caused to the respondents. So far the typographical mistake of the vehicle is concerned, the actual vehicle number is HR-36AG-2181 which is mentioned correctly in para no.14 of the claim petition. It seems that in para no.24 the vehicle number, there is typographical mistake in vehicle number regarding letter 'X' instead of letter 'G'. This court finds that these are typographical mistakes and the present

application is hereby allowed. **Petitioner is directed to file the amended petition by making typographical corrections on the next date.**

Now, case stands adjourned to **24.10.2024** for filing amended petition.

Dated :14.10.2024
(Payal SG-II)

(Dr. Gagan Geet Kaur)
MACT, Gurugram.
UID No. HR 0482