

ORDER ON I.A.No.III FILED UNDER
ORDER VI RULE 17 R/W/S 151 OF CPC

The petitioner has filed the application seeking permission to amend the time mentioned at page No.3 in the claim petition as 11.30 a.m. instead of 2.30 a.m.

2. In the affidavit annexed to the application it is stated that, the time has been wrongly mentioned as 2.30 a.m. instead of 11.30 a.m. in the claim petition and hence the same needs to be corrected and that, if the application was allowed no injury or loss would be caused to the other side.

3. The respondent No.2 has not filed objections to the application.

4. The following points do arise for consideration ;

1) Whether the petitioner has made out grounds to amend the claim petition as sought for in the application?

2) What order?

5. Having heard the learned counsel for petitioner and considered the material on record, I have answered the above points as below ;

Point No.1 : In the Affirmative,

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

REASONS

6. Point No.1 : The petitioner has filed the claim petition seeking for compensation on account of damages caused to the JCB vehicle bearing No.KA-51-MH-7379. In the claim petition the petitioner has mentioned the time of the accident as 2.30 a.m. Now, the petitioner has come up with the present application seeking permission to amend the time as 11.30 a.m. instead of 2.30 a.m. The first information report and other documents annexed to

the claim petition mention the time of the incident as 11.30 a.m. Therefore, it appears that, there is substance in the grounds urged in support of the amendment that, there was mistake in mentioning the time. Hence, for proper adjudication of the claim petition, the application deserves to be allowed. Hence, I answer point No.1 in the Affirmative.

7. Point No.2 : Having answered point No.1 in the Affirmative, I proceed to pass the following ;

ORDER

I.A.III filed under Order VI Rule 17 r/w/s 151 of CPC is allowed.

The petitioner is permitted to amend the claim petition and also to furnish the amended claim petition.

Call on 03/06/2025.

(BABU N.)

Addl. Senior Civil Judge & MACT.,
Dt : 17/05/2025 Pandavapura.

(Order pronounced in the open Court
vide separate Order)

ORDER

I.A. filed under Section 151 of CPC is allowed in part.

Office is directed to release the amount in deposit as per the order dated 01/06/2024 and also to keep in FD as per the said order.

Addl. Senior Civil Judge & MACT.,
 Dt : 30/11/2024 Pandavapura.

