

KAMS080021642023



M.V.C./1249/2023

**BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL AT
MYSURU
(IN THE COURT OF ADDITIONAL SMALL CAUSES AND
SENIOR CIVIL JUDGE, AT MYSURU)**

PRESENT

Smt. PRATHIBHA D.S

B.A., LL.B.

**JUDGE, ADDITIONAL COURT OF SMALL CAUSES
AS A PRESIDING OFFICER,
MOTOR ACCIDENTS CLAIMS TRIBUNAL, MYSURU.**

DATED THIS THE 29th DAY OF NOVEMBER 2025

OS NO./1249/2023

Petitioner : Sri.Sachin N.S.

//V/s//

Respondent : Sri.Suresha and others

I.A.

Applicant : Sri.Sachin N.S.
.....Petitioner

//Vs//

Opponents : Sri.Suresha and others
..... Respondent No.2

**ORDER ON THE APPLICATION FILED UNDER
ORDER VI RULE 17 R/W SECTION 151 OF C.P.C**

This is the application filed by the petitioner under order VI Rule 17 r/w sec.151 of C.P.C seeking to amend the petition by way of addition.

2. In the affidavit annexed to the application, the petitioner submitted that at the time of filing the petition the facts stated in the application was wrongly mentioned by oversight. Hence, it is necessary to correct the same by deleting the earlier averments and by replacing the averments as mentioned in the application. The amendment sought in petition is very much necessary for proper adjudication. Hence prays to allow the application.

3. On the other hand the respondent No.2

filed objection contended that the intended amendment changes the nature of the petition as it is completely in negative to the previous pleadings. Hence, such alterations which are admitted earlier, cannot be allowed to amend to give a go by. The application has been filed belatedly after leading evidence just to harass this respondent. As per the reported decisions, amendment is to be done prior to leading evidence, on this ground also the application is not maintainable and deserves to be dismissed with costs. Further as per the reported decisions of the Apex court, there is no pleadings with regard to being diligent and the tenor of the application is not disclosing the same. No cogent reason has been averred in the affidavit except saying by oversight it is hard to believe the typographical error in giving the entire narration wrongly. On this ground also the application deserves to be dismissed.

4. Heard both side. Perused the materials on record.

5. Now the points that would arise for my consideration are;

POINTS

1. Whether the petitioner has made out grounds to allow this application?
2. What order ?

6. My findings to the above points are as under:

Point No.1: In the ***Affirmative***.

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

REASONS

7. **Point No.1:** Admittedly the petition is filed by Petitioner seeking for the compensation for the injuries sustained by him. No doubt the application is filed after cross examination of the petitioner. However it is necessary to provide opportunity to both the parties to produce all the evidence before the court. The other side can prove their contentions either in the cross examination or in their evidence. The burden is on the petitioner to prove the

averments made through amendment to the petition. Therefore, it is necessary to permit the petitioner to amend the petition as sought for. Hence, I answer Point No.1 **in the "Affirmative"**.

8. Point No.2: For the reasons discussed to point No.1, I proceed to pass the following;

ORDER

I.A. filed U/o VI Rule 17 R/w sec.151 of CPC filed by the petitioner is allowed.

No order as to cost.

Petitioner to carry out the amendment and to furnish amended petition.

(Dictated to the Stenographer, transcribed and typed by her, corrected by me and pronounced in the open Court on this the 29th day of November 2025)

(Prabhibha D.S)
Judge,
Court of Addl. S.C., & MACT
Mysuru