

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND AMACT,
KARKALA**

Present: Smt.Sharmila C.S., B.A.L., LL.M.,
Senior Civil Judge and AMACT, Karkala.

Dated: This the 2nd day of May, 2025.

M.V.C.NO.185/2024

Raju Madivala ..Petitioner
Versus -
Santhosh Poojary and others ..Respondents

PARTIES TO I.A.NO.4

Raju Moolya,
Aged about 68 years,
S/o. Challa Moolya,
residing at Kantaragoli,
Yerlapady Post and Village,
Karkala taluk,
Udupi District-574 102. ..Applicant/Petitioner.
- Vs. -

1. Santhosh Poojary,
Aged about 35 years,
S/o. Shankar Poojary,
Residing at Kukkude Darkhas,
Yerlapady Post and Village,
Karkala Taluk, Udupi District-
504 102.
2. United India Insurance Company Ltd.,
Branch Office: Karkala, P.B. No.29,
2nd Floor, Sushila Sanjiv Enclave,
Near Karnataka Bank Limited, Market Road,
Karkala Taluk, Udupi District 574 104. ..Opponents/Respondents.

i.	Provision under which the application is filed	Order VI Rule 17 and Section 151 of CPC
ii.	Relief sought for	To amend petition
iii.	The date on which the application is filed	26-03-2025
iv.	Number of the application	I.A.No.4
v.	The date on which the objections are filed by different opponents	04-04-2025
vi.	The date on which the orders were passed on the said application.	02-05-2025

ORDERS ON I.A.NO. 4

Application is filed by the petitioner under Order VI Rule 17 and section 151 of C.P.C. seeking amendment of the petition.

2. The petitioner deposes that after the accident he was admitted as inpatient at Hi Tech Medicare Hospital, Udupi and also underwent treatment at Government Hospital, Udupi . That the said facts were not included in the petition through oversight and prays to allow the application.

3. Per contra counsel for respondent No.2 filed objections denying the deposition of the petitioner, submits that the application is barred by limitation, prays to dismiss the application.

4. Heard from the counsels for the petitioner and the respondent No.2 .

5. The following point arise for my determination .

“Whether the proposed amendment is necessary at this stage?”

6. My answer to the above point is in the ‘affirmative’ , for the following

REASONS

7. The present petition is filed under Section 166 of Motor Vehicles Act seeking compensation for the injuries sustained by the petitioner in the road traffic accident. The petitioner has commenced the evidence and now the present application is filed .

8. The petitioner deposes that he underwent treatment at Government Hospital Udupi and also admitted as inpatient at Hi Tech Medical Hospital , Udupi from 31-07-2023 to 03-08-2023 , which was not included in the petition through oversight. Thus has sought for inclusion of the said facts in the petition.

9. Counsel for the respondent No.2 has only denied that the said fact has not been included in the petition through oversight. However submits that the application is barred by limitation as the trial has commenced.

10. The Code of Civil Procedure prohibits amendment of the petition or the pleading after commencement of the trial unless due diligence is proved. When the petitioner submits that he underwent treatment at Government Hospital Udupi and Hi Tech Medicare Hospital, Udupi, which was not included in the petition, clearly would mean nothing but through oversight, for which this court can come to the conclusion as due diligence. No hardship will be caused to the respondent if the application is allowed. Failing the petitioner who is seeking compensation for the injuries sustained by him through the road traffic accident, will be clearly put to hardship and inconvenience. Accordingly holding that the proposed amendment is necessary at this stage, the above point is answered in affirmative.

11. In view of the above said reasonings, I proceed to pass the following:

ORDER

I.A.No.4 filed by the petitioner under Order VI Rule 17 and Section 151 of CPC is here with allowed .

Counsel for the petitioner is permitted to carry out amendment in the petition.

(Dictated to the Stenographer, transcribed by her, transcript corrected and then pronounced in Open Court on this the 2nd day of May, 2025.)

(SHARMILA C.S.)
Senior Civil Judge & AMACT, Karkala.