

Motor Accident Claim Petition No. 19/2016(Rahul Gulve and another V/s Vikas Ware and another)(C.N.R. - MHAH07 - 000040 - 2016)Order below application at Exh. No. 44

1. The present application is filed by the petitioner for amendment of the petition in respect of registration number of the offending vehicle involved in the accident. It is contended by the petitioner that the present petition is filed by him for compensation for the death of his father resulted in a vehicular accident. While filing the present petition, the petitioner had described the registration number of the offending vehicle i.e. Swift car as M.H. - 14 - B. - 1786. However, after having perused the written-statement filed by the respondent and the certificate of registration of the vehicle, the petitioner has realized that the informant had erroneously stated the registration number of the offending vehicle as M.H. - 14 - B. - 1786 as the registration number of the offending vehicle was M.H. - 14 - D.A. - 1786, but not M.H. - 14 - B. - 1786. Therefore, the petitioner intends to make an amendment in the petition as well as in interim application in respect of the registration number of the offending vehicle as M.H. - 14 - D.A. - 1786 in place of M.H. - 14 - B. - 1786. According to the petitioner, if the proposed amendment is allowed, the nature of the pleadings will not be changed or not any prejudice will be caused the respondents. Therefore, the petitioner has prayed that the permission may be granted to make an amendment in the petition as well as interim application in respect of the registration number of the offending vehicle accordingly.

2. The respondents have failed to file any reply to the present application.

3. I have heard the learned counsel for the petitioner. I have perused the record.

4. As rightly contended by the petitioner that though the registration number of the offending vehicle was M.H. - 14 - D.A. - 1786, the informant had erroneously stated the registration number of the offending vehicle as M.H. - 14 - B. - 1786 in place of M.H. - 14 - D.A. - 1786. Further, as rightly contended by the petitioner that the amendment in the petition in respect of registration number of the offending vehicle will not change the nature of the pleadings of the petition nor any prejudice will be caused to the respondents in case the proposed amendment is allowed. However, so far as the amendment in respect of registration number of the offending vehicle in interim application is concerned, the same can not be allowed as the contentions of the petitioner therein can not be said to be the pleadings of the petitioner in the plaint so as to consider the same to justify the amendment in respect of the registration number of the offending vehicle. In the circumstances, I find that that present application deserves to be partly allowed. Hence, I pass the following order.

Order

1. The present application is partly allowed.
2. The petitioner is hereby permitted to make an amendment in the petition in respect of the registration number of the offending

vehicle as M.H. - 14 - D.A. - 1786 in place of M.H. - 14 - B. - 1786, within a period of 14 days from the date of this order.

3. The prayer of the petitioner for amendment in respect of the registration number of the offending vehicle in interim application is rejected.

Date : 16/12/2019.

(R.J. Pawar)
Ad-hoc District Judge - 1,
Sangamner.