

Before Member of the Motor Accident
Tribunal & District Judge-1, Ambajogai

**M.A.C.P.No.82/2022
CNR MHBI04-001274-2022**

Sukumar Shivaji Pawar

Vs.

Satish Shivdas Shep

ORDER BELOW EXH.28.

1. This is an application for amendment in the written statement. Court perused the application and reply filed on behalf of claimant. Heard the learned advocate Shri. U.B.Deogaonkar for the respondent Reliance General Insurance Company and learned advocate Shri. B.S.Bade for the claimants.

2. Following point arises for consideration of this Tribunal. Tribunal records its findings thereon for the reasons to be recorded below.

Sr. No.	Point	Finding
1	Whether the amendment sought for, will help the Tribunal to decide the real question in controversy between the parties?	In the affirmative.
2.	What order?	As per final order.

REASONS

3. At once, it is to be noted that this is a Tribunal and not the court. So strict rules of Civil Procedure Code are not applicable over here. Second material thing is that the amendment sought for is by the respondent. The rules of amendment are stricter to the plaintiff, but not to the defendants. Same principle applies over here. Third material thing is that yet the evidence of the witness is to be started to exhibit the documents, though he filed only affidavit of examination in chief. Therefore, there is scope for him to take care of this amendment and if required to make necessary preparation to lead evidence about limitation. Therefore, he is not going to suffer by such amendment. Fourth material thing is that the amendment being sought for is on the basis of limitation which is a law point and therefore, it can be allowed at any stage. Considering all these grounds, present application for amendment finds to be genuine. Therefore, the amendment sought for is worthy to be allowed. Hence, Tribunal records affirmative finding to point and passes following order.

ORDER

The amendment sought for is allowed with direction to make amendment today itself and provide its amended copy within a week.

[Dictated and pronounced in open Court].

Date :- 07.11.2024.

[Deepak D. Khoche]
Ex-Officio Member of the Motor
Accident Tribunal & District
Judge-1, Ambajogai.

CERTIFICATE

“I affirm that all the contents of this PDF file are word to word as per original judgment/order”.

Dictated on : 07.11.2024

Transcribed on : 07.11.2024

Checked & Signed on : 07.11.2024

Date : 07.11.2024

A.S.PANHALE
STENOGRAPHER GR-1