



ORDER BELOW EXH.46

Today, the matter is taken on board at the instance of petitioners vide Exh.45. Present application filed on behalf of the petitioner for permission to carry out amendment in the title clause of petition (Exh.1) under Order-VI, Rule-17 of the Code of Civil Procedure,1908 (Here-in-after referred in short to as “**the Code**”).

2. As per application, the words “Commissioner of Employees Compensation” remained to be mentioned in front of designation of this Court at title clause of petition (Exh.1). As such, the said words needs to be inserted. The said mistake was not intentional but occurred due to oversight. The proposed amendment is necessary for just decision of the case. The supporting affidavit of petitioner No.1 is enclosed herewith. It will not change the nature of proceeding. Hence, the petitioners urged to allow application.

3. The contesting respondent No.2 has raised objection for allowing application by filing say on leaflet itself through its learned advocate. However, it has not assigned any reason for the same.

4. None appeared on behalf of the parties for tendering an argument on this application, when called out at 5.10 p.m. On considering the nature of suit and the present application, it taken up for disposal on merit.

5. Perused application, say and record of the case, minutely. The contents of application are supported by an affidavit of petitioner No.1 namely Kaveri W/o. Digambar Taur vide Exh.47. The main petition is instituted for getting compensation on account of

accidental death of deceased Digambar S/o. Ankushrao Taur, who was husband of petitioner No.1, father of petitioner Nos.2 to 5 and son of petitioner Nos.6 and 7. It seems that, the petitioners claim compensation amount with interest under the provisions of Employees Compensation Act, 1923. The provisions under the said Act are welfare in the nature. As such, the proposed amendment seems to have incidental with reference to competent authority for adjudication of such dispute in terms of said Act. Respondent No.2 has not assigned any reason for disallowing the application. The technical approach shall not be allow to go into root of the case.

6. In view of aforesaid discussion, the proposed amendment will not change the nature of suit. Hence, the application deserves to be allowed. In the result, I pass the following order.

ORDER

1. The application (Exh.46) is allowed.
2. The petitioners shall carry out proposed amendment in the title clause of petition (Exh.1), as sought for under Order-VI, Rule-17 of the Code of Civil Procedure, 1908.
3. The petitioners shall make compliance of this order in all respect within prescribed time period.
4. The costs in main cause.

Date :- 22/04/2026.

(S. S. Budruk)
Civil Judge Senior Division,
Majalgaon.

CERTIFICATE

The contents of above order is/are word to word same and found correct in this pdf.

Dictated on : 22/04/2026.
Typed on : 22/04/2026.
uploaded on : 22/04/2026.

Sd/-
(H. B. Suryawanshi)
Steno-Gr.II
C.J.S.D.Majalgaon.