

MHBU040006222017



M.A.C.P.24/2017

Afsar Hussain Vrs.Chandrabhan

**ORDER BELOW EXH.29**

**(Dated: 10.11.2025)**

1. The present application is filed by Opponent No.03 Insurance Company for carrying out amendment in the written statement (Exh.17) as per Order VI Rule 17 of the Code of Civil Procedure .
2. Claimant has filed say on the reverse of application (Exh.29) and has raised objection on the ground that trial has commenced and by way of proposed amendment opponent no.3 is trying to bring on record new theory.
3. Perused application and say. Heard learned advocate of both sides.
4. By way of proposed amendment, opponent no.3 Insurance Company wants to incorporate the defence in the form that the alleged risk is not covered under the insurance policy and further defence in the form of breach of terms and conditions of private car policy. Though claimant has filed evidence affidavit (Exh.25), further examination in chief with respects to documents is yet to be completed. Obviously, the burden of proof with respect to

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defence which opponent no.3 is trying to bring on record is on opponent no.3 itself. The proposed amendment is based on alleged terms and conditions of insurance policy. Hence under such circumstances, if the proposed amendment is allowed then no prejudice will be caused to the claimant. In fact the proposed amendment will help decide the matter on merit.

5. Hence, in view of above discussion the present application needs to be allowed in the interest of justice to decide the real controversy between the parties. In the result, I proceed to pass following order.

**ORDER**

1. The present application (Exh.29) is allowed.
2. Opponent no.3 Insurance Company is directed to carry out amendment in the written statement (Exh.17) as prayed for and is further directed to supply copy of amended written statement (Exh.17) on or before next date.

Date 10.11.2025

(Amit P. Kokare)  
Member,  
Motor Accident Claims Tribunal,  
Khamgaon