



ORDER BELOW EXH.25

This is an application of the claimant under Order-6 Rule-17 of Civil Procedure Code for amendment of the pleadings in respect of correction of marital status of the deceased at the time of accident.

02. In support of the application, the claimant submitted that due to typographical error, the marital status of the deceased at the time of accident is noted as married even though he was unmarried at the time of accident. The said typographical error needs to be corrected. The said amendment does not change the nature of the proceedings nor it adversely impacts the defence of the respondents. Therefore, the claimant has prayed for allowing the application.

03. The respondent No.02 opposed the application and prayed for its rejection.

04. Considering the rival pleadings and documents produced in support thereof, following points arise for my determination to which I record my findings thereon for reasons to follow :-

<u>Sr. No.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1)	Whether the proposed amendment is just and proper in the facts and circumstances of the case ?	Yes.

2)	Whether the application of the claimant deserves to be allowed ?	:	Yes.
3)	What order ?	:	Application is allowed.

REASONS

05. Heard learned Counsel for claimant and respondent No.2.

AS TO POINT NOS.1 & 2 -

06. Order-VI Rule-17 of Civil Procedure Code confers vide power upon the Court to allow either party to alter or amend his pleadings at any stage of the proceedings. The guiding factor for such exercise of the power is the determination of real questions in controversy between the parties. This power is limited by the proviso to Order-VI Rule-17 of Civil Procedure Code which provides that the application can not be allowed after commencement of trial, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.

07. A perusal of record shows that the hearing of the claim petition has already commenced, therefore, the amendment is governed by the proviso of Order VI Rule 17 of Civil Procedure Code. Therefore, the criteria for deciding the application is that of due

diligence exercised by the party in filing the application. It necessarily connotes that the party must approach the court without any unreasonable delay in seeking the amendment.

08. It is apparent that the nature of the amendment prayed for is a typographical error due to which the marital status of deceased at the timing of the accident has been incorrectly noted. The claimant realized the said error and promptly filed the application. There is no unreasonable delay in filing the application. Considering the nature of the proceedings, i.e. the claim petition arising out of an accident, the proposed amendment needs to be considered liberally without going into the technical lapses. Accordingly, I answer point Nos.1 & 2 in affirmative and proceed to pass following order :-

ORDER

01. Application **Exh.25** stands allowed.
02. The claimant is directed to carry out the proposed amendment in the pleadings within 15 days of the order.
03. The claimant shall produce the amended petition forthwith after carrying out the proposed amendment, if any.
04. The respondents are at liberty to carry out consequential

amendment to their written statement, if any.

05. Cost in cause.

Malkapur.

Date -11/03/2026.

(R. B. Giri)
Member
Motor Accident Claim Tribunal,
Malkapur.

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CERTIFICATE

I certify that this order P. D.F. uploaded is a true and correct copy of original signed order.

Name of Court	: Adhoc Distirct Judge – 1 & Additional Sessions Judge, Malkapur.
Name of Stenographer	: Shri. V. S. Jadhav. (Jr. Clerk)
Date of order	: 11.03.2026
Date of signed on order by Judicial Officer	: 11.03.2026
Date of Uploading	: 12.03.2026