

**IN THE EMPLOYEES' INSURANCE COURT, AT THANE**

**APPEAL (ESI) No. 1 of 2024**

(CNR No. MHIC04 000 063 2024)

Shri. Ajinkya Narayan Kanitkar,

.. **Appellant**

- **Versus** -

ESI Corporation & Another

.. **Respondents**

**:- Order Below Exh. U-10 :-**

( Delivered on 07<sup>th</sup> May, 2025 )

1. This is an application filed by the Appellant for amendment in Appeal.
2. The main Appeal is filed by the Appellant under Section 51 r/w. Sections 51B, 52A, 54 and 57 of the ESI Act, 1948, praying for declaration of 100% disability and to release disability benefits from the date of accident accordingly. Now, the Appellant has filed present Application for amendment on the ground that, the Respondents have issued the Memorandum dated 05-02-2024 and the Appellant claimed benefits under the said Memorandum. According to the Appellant, the amendment will not change the nature of the Appeal and it is necessary for deciding the controversy in the matter. Therefore, he prayed to allow the Amendment Application.
3. Respondents have filed Reply at Exh. R-5 and strongly objected the Application. According to them, Application is baseless and frivolous and thereby prayed to reject the Application.
4. Heard both sides. I have gone through the record. The main appeal is filed for declaring the Appellant as 100% disabled and further to release disability benefits in consequence thereof from the date of accident. Now, it is the contention of the Appellant that during pendency

of the present Appeal, he came to know about the Memorandum, which is of 05-02-2024 and after coming to know the said Memorandum, he has filed the present Application. According to him, it is the subsequent event and it is beneficial to him and no prejudice will be caused to the other side.

5. I have gone through the Schedule of Amendment. According to the Appellant, it is based on the Memorandum. The Memorandum is of dated 05-02-2024 and the present Appeal is filed on 08-01-2024, which is the subsequent event. If the amendment is allowed, the fact of Memorandum will be considered on merits. So also, the proposed amendment will not change the nature of the present case and no prejudice would be caused to the Respondents. Respondents are also will get an opportunity to amend their written statement, if they want. Hence, in my opinion, the application requires to be allowed. In the result, I proceed to pass the following Order -

**:- ORDER :-**

1. Application Exh. U-10 is allowed.
2. Appellant to carry out the amendment as proposed in application, within stipulated time.
3. Respondents are at liberty to amend their written statement, if they want.
4. Costs in cause.

Date :- 07-05-2025.

Place :- Thane.

SPC/-

( Smt. A. C. Raut ),  
Appellate Authority,  
Employees Insurance Court, Thane