

MACP No. 144/2020

CNR No.:MHLA010014932020

ORDER BELOW EXH. 20.

(Kajam V/s. Fayaz & other 2)

1. This application is filed by applicant under order-6 rule-17 of the Code of Civil Procedure, 1908 for amendment regarding enhancement of the claim amount and for bringing on record Legal heirs of deceased applicant.

2. Opponent no.1 & 2 have objected this application. Opponent no.3 by filing his say in this application has also objected this application.

3. Heard Ld. Advocates of the parties.

4. Perused the documents.

5. It appears that this claim was filed by the injured applicant for compensation. However he died during pendency of this matter on 07.09.2020. Though, it is not pleaded that he was under treatment till the date of his death, no documents to that effect are filed on record. However the present applicants are wife

and children of deceased injured are the legal representatives and legal heirs of deceased applicant. Though, there is no pleading of the present applicants that the injured applicant died due to the accidental injuries, the fact remains that original applicant had met with an accident. Hence present applicants may be entitled for the pecuniary damages i.e. medical expenses, loss of income suffered by the original applicant due to the said accident during his lifetime. Therefore, it is necessary to bring in record names of the present applicants in place of the original applicant.

6. As the present applicants have incurred funeral expenses for the original applicant, that amount is also required to be added in original claimed amount. For that purpose amendment regarding enhancement is required to be considered.

7. In such circumstances, I proceed to pass following order.

ORDER

1. Application Exhibit-20 for amendment of claim application is hereby allowed.

2. Names of present applicants are allowed to bring on

record being legal heirs and representatives of original applicant.

3. Amendment regarding enhancement of the claimed amount is allowed subject to payment of Court fee on enhanced amount.

4. Applicants to carry out amendment within 14 days from today and provide copy of amended claim Application to opponents.

Sd/-

Date: 21.09.2022

(Smt.S.S.Kosamkar)
Member, MACT, Latur.