

MACP No. 139 of 2022
ORDER BELOW EXH.49

Perused the application and say given by the learned counsel for the insurer.

2. Heard learned counsel Shri. Jacob Nainan for the applicants and Ms. S. Z. Chitte for the insurer. None appeared for the opposite party.

3. This is an application filed by the applicants for amendment in the claim application.

4. It is contended that the claim petition is filed on account of death of Bagada Ram in a vehicular accident. However, in the 'Particulars' clause of the claim petition, the employment details of the deceased, specifically in item No.3 & 4 regarding occupation and employer of the deceased have been mentioned wrongly, based on the preliminary and incomplete information. It is further contended that the designation of the deceased is mentioned as 'House Help' instead of 'Assistant' so also his employer name is mentioned as Mr. Samir Somayya instead of 'Team Lease Services Ltd.'. Therefore, the same needs to be corrected in the Claim Petition.

5. It is also contended that the proposed amendment is purely factual and clerical in nature so also it will not change the nature of the claim and it is necessary for proper adjudication of the matter. Moreover, no prejudice will be caused to the opposite parties. Hence, in the interest of justice the amendment be allowed.

6. Per contra, Ld. Counsel for the insurer filed the say and strongly objected the application contending therein that the

applicants have filed the claim petition in the year 2022 so also evidence affidavit was filed on 29.07.2025 wherein the same facts i.e. occupation as House Help and working with Mr. Samir Somayya were mentioned. Therefore, the applicants have filed false documents regarding employment of the deceased to cover up the claim petition. Hence, prayed for rejection of the application.

7. On perusal of record, it reveals the the applicants have already examined Mr. Jitesh Bhaskar, Assistant Manager of Team Lease Company (AW2) on 11.11.2025 wherein he has proved the documents concerning the employment of the deceased.

8. Moreover, on going through the application of amendment in the light of avernments in pleading, it is seen that the amendment sought is bonafide and will not change the nature of the petition. The Court is satisfied that the proposed amendment is necessary for the purposes of determining the application. Hence, I proceed to pass following order.

ORDER

- i]. The amendment application is allowed.
- ii] The applicant is allowed to amend the Claim Application within 14 days.

Date : 12.03.2026
GDE

(M. I. Arland)
Chairman,
MACT, Mumbai