

MACP No. 1487 of 2024
ORDER BELOW EXH.21

Perused the application. Heard learned counsel Shri. U. N. Mehta for applicant and Shri. S. D. Golande for the insurer.

2. The present application is filed seeking amendment of the claim petition for impleading the married sisters of the deceased as co-claimants, on the ground that they are legal representatives. In support of the contention, the learned counsel for the applicant filed and relied upon following citation.

- **Manjuri Bera Vs. Oriental Insurance Co. Ltd. and Anr., Appeal (Civil) No.1702/2007.**

3. Per contra, the learned counsel for the insurer raised strong objection for impleading the married sisters of the deceased as co-claimants. In support of the contention the insurer filed and relied upon the following citations.

- **New India Assurance Co. Ltd. Vs. Vinish Jain and others, [2018 ACJ 1004 (SC)]**
- **ICICI Lombard General Ins. Co. Ltd. Vs. Minakshi Shantilal Valand (Sharma) and others, [2025 ACJ 2597 (SC)]**

4. It is an admitted position that the deceased is survived by his wife, minor son and mother who are Class-I legal heirs and

dependent and they are already impleaded as claimants in the present petition.

5. The proposed parties namely the married sisters- Mrs. Punam Abhijit Dumbare and Mrs. Neelam Maruti Pokharkar have neither pleaded nor prima facie shown any financial dependency on the deceased. However, no material placed on record to show that their presence is necessary for effective adjudication of the claim.

6. Though the Hon'ble Supreme Court in **Majuri Bera Vs. Oriental Insurance Co. Ltd.**, has held that a legal representative may maintain a claim petition, the said judgment clearly draws a distinction between **a legal representative and a dependent**, and hold that the compensation under the Motor Vehicles Act is primarily payable for loss of dependency.

7. In the present claim petition when all Class-I dependents are already on record and are contesting the claim, impleadment of married sisters who are not dependents would neither advanced the cause of justice nor it is a required for representation of the estate.

8. I have gone through the rulings cited and relied upon by the applicant as well as the Insurer. They are not helpful to the extent of amendment application as the facts and circumstances of the cases cited supra are different from the case in hand.

9. On going through the application of amendment in the light of avernments in pleading, the proposed amendement

therefore, is unnecessary, misconceived and would only complicate the proceedings without any legal benefit and will change the nature of petition. The Court is not satisfied that the proposed amendment is necessary for the purpose of determining the claim petition. Hence, I proceed to pass following order.

ORDER

i] The application for amendment seeking impleadment of married sisters of the deceased is hereby rejected.

Date : 30.01.2026
GDE

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