

BEFORE MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL-1,
NAGPUR

(Presided over by P. B. Naikwad)

M.AC.P. No.121/2022

Rajendra Vs. The Tata AIG + 1

ORDER BELOW EXH.42

(Passed on 2nd March 2026)

Perused the application and the say filed by respondent No.1 vide Exh.43. Heard both learned Counsels.

2] Petitioners/applicants have filed the present application for amendment. Learned counsel for petitioners submitted that, present petition was filed by original claimant Rajendra for the injuries sustained by him in accident dated 24.11.2021. But during treatment he died on 25.05.2024 due to accidental injuries. Therefore his legal representatives are brought on record. Now they want to amend the petition. Hence application be allowed and permission to amend petition be granted.

3] Respondent No.1 by its say strongly opposed the said application. Learned counsel for respondent No.1 argued that, application is not tenable. The same came to be filed belatedly. By the proposed amendment petitioners wants to change the nature of the claim. The proposed amendment will cause prejudice to respondent. Therefore application be rejected.

4] Having regard to the submissions made by both learned counsels and after going through the material on record I found that the proposed amendment does not change the nature of claim. Moreover due death of original petitioner proposed amendment is necessary. In view of provision of Section 166(5) present application is

certainly tenable. As per said provision the right of a person to claim compensation for injury in an accident shall, upon the death of the person injured, survive to his legal representatives, irrespective of whether the cause of death is relatable to or had any nexus with the injury or not.

5] Therefore in view of provision of Section 166(5) of M.V. Act the application needs to be allowed. Moreover for just decision of case permission to amend needs to be granted. No prejudice will be caused to respondents if the amendment is allowed and it will also not change the nature of the claim. Therefore the following order.

ORDER

- i) Application (Exh.42) is allowed.
- ii) Petitioners to carry out amendment within seven days.
- iii) Respondents are also entitled to carry out consequential amendment in their written statement, if they so desire.

Date : 02.03.2026

(P. B. Naikwad)
Member, M.A.C.T.1,
Nagpur.

CERTIFICATE

I affirm that the contents of this P. D. F. file of order are word to word, as per original order.

(S.R. Chaple)
Stenographer (Grade-I)