MHST010011662021

Order Below Exh. 47 in MACP No. 104/2021
(Suresh Anandrao Sonawane & Ors. Vs. Rohan Prabhakar Kumbhar & Ors.)

This application is filed by the applicants/claimants seeking amendment of the claim petition.

02. It is contended by the applicants that deceased Alka Suresh Sonawane was doing household work and business of production of spectacles frame. In the original claim petition, the value of the household services rendered by the deceased was pleaded as Rs.5,000/- per month. According to the applicants, in case of **Shishu Pal @ Shish Ram & Ors. Vs. Surjeet & Ors., 2026 INSC 634**, the Hon'ble Supreme Court observed that -

> "It may be clearly stated that amount of Rs.30,000/- i.e., loss of domestic care is to be taken as a 'stand-in' (basic minimum monthly income) for monthly income in those cases where the homemaker does not have an input into the house, in strictly conventional, monetary terms. In those cases where the homemaker is part of the workforce, the component of loss of domestic care shall be in addition to the monthly income as may be proved before the Tribunal/Courts."

03. Thus, in view of the aforesaid observations of the Hon'ble Supreme Court, as per applicants/claimants, the notional value of household/domestic services should be taken as Rs.30,000/- per month. On that basis, they seek amendment of

Para Nos. 4, 14B, 14D1 and 14D7 of the claim petition. It is further submitted that the proposed amendment is merely consequential in nature and does not alter the basic nature of the claim petition. It is further contended that if the amendment is not permitted, serious prejudice and irreparable loss would be caused to the applicants. Therefore, permission is sought to incorporate the said fact and carry out consequential amendments in the claim petition.

04. Respondent No. 3 strongly opposed the application by filing say on this application itself and contended that the applicants had already stated on oath on 19.12.2020 that the application is filed at the fag end of the trial. The evidence of applicants and opponents is over and the case is posted for the arguments. The proposed amendment is afterthought and contents of the proposed amendment did not reflect in the deposition of the applicants. The application changes the nature and pleading for the claim application. The application is devoid of merits. If the proposed amendment is allowed in that event great prejudice and irreparable loss would be caused to the opponent-Insurance Company. Therefore, it is prayed that the application may kindly be rejected.

05. Heard learned Advocates for both sides. Perused the record and proceedings.

06. It is not in dispute that the evidence of both the

applicants and the opponents has already been concluded and the matter is now fixed for final arguments. The present application has thus been moved at a highly belated stage. The proviso to Order VI Rule 17 of the Code of Civil Procedure mandates that after commencement of the trial, no amendment shall ordinarily be allowed unless the Court comes to the conclusion that despite due diligence the party could not have raised the matter before commencement of trial.

07. In the present case, the applicants have not pleaded or demonstrated any circumstance showing exercise of due diligence which prevented them from seeking the proposed amendment at an earlier stage. The application is completely silent on this statutory requirement. Mere reliance upon a subsequent judgment of the Hon'ble Supreme Court cannot, by itself, dispense with the requirement of due diligence contemplated under the proviso to Order VI Rule 17 of the Code.

08. The applicants seek enhancement of the value of domestic services from Rs.5,000/- per month to Rs.30,000/- per month by relying upon the decision in **Shishu Pal @ Shish Ram & Ors. Vs. Surjeet & Ors. (supra).** The said judgment lays down the principle to be adopted while assessing compensation for loss of domestic care. It is a declaration of law governing assessment of compensation and can be considered by the Tribunal while deciding the claim on the basis of the pleadings and evidence already on record. The applicability and effect of the said

judgment is a matter of legal adjudication and does not necessarily require amendment of the pleadings.

09. Permitting the proposed amendment after completion of evidence would reopen issues relating to income, valuation of domestic services and consequential computation of compensation. It would change nature of the petition. It would inevitably prejudice respondent No.3, which has already concluded its evidence on the basis of the existing pleadings, and would necessitate reopening of the trial, thereby defeating the object of expeditious disposal of claim petitions.

10. In view of the above discussion, this Tribunal is of the considered opinion that the applicants have failed to satisfy the mandatory requirement of due diligence under the proviso to Order VI Rule 17 of the Code of Civil Procedure. The proposed amendment, sought after completion of evidence and at the stage of final arguments, cannot be permitted. However, it is clarified that the applicants shall be at liberty to advance legal submissions based upon the law laid down by the Hon'ble Supreme Court in **Shishu Pal @ Shish Ram & Ors. Vs. Surjeet & Ors. (supra)** at the time of final arguments, and this Tribunal shall consider the same in accordance with law while deciding the main claim petition.

11. Considering the stage of the proceeding, absence of satisfactory explanation for the delay, failure of the applicants to establish due diligence and the likelihood of prejudice being

caused to the respondents, this Tribunal is of the opinion that the applicants are not entitled to the discretionary relief of amendment. Hence, the following order:

ORDER

1] The application (Exh.47) stands rejected.

2] No order as to costs.

(Dictated and pronounced in open Court).

ARVIND WAGHMARE Digitally signed by ARVIND WAGHMARE Date: 2026.07.21 17:01:06 +0530

Satara. (A. S. Waghmare)
Date : 21.07.2026. Chairman, M.A.C.T.
Satara.