

**Order below application, Exh.21 in
M.A.C.P No.715/2018, dated 22.01.2025**

The petitioner filed this application, with contention that, he was taking treatment for more than two years, in various hospitals. At the time of filing of this petition, Exh.01, he was under mental trauma. So he could not give proper and perfect information of his earning.

02. It is his contention that, at the time of accident, he was serving with M/s. Reliance Petrol Pump, Bhiwandi. He was getting salary of Rs.9,000/- per month. Simultaneously, he was working as driver in M/s. Mayur Travels, Bhiwandi. He was getting salary of Rs.15,000/- per month, therefrom. Due to his mental trauma and due to oversight, he could not give proper information about the same. Hence, now he wants to amend petition, Exh.01 and wants to add income, he was receiving from Mayur Travels. If this amendment is not allowed, then he will suffer irreparable monetary loss. This amendment will not change nature of the claim. Hence, amendment specified in schedule, may be allowed. The petitioner may be allowed to amend petition, Exh.01, accordingly.

03. Opponent no.02 strongly objected this application on the ground that, contents of entire application are wrong. It is a

futile attempt to grab maximum compensation. Hence, this application may be rejected.

04. Heard both learned advocates. Also perused the record.

05. Points for determination, findings thereon, along with reasons therefor, are as under :-

Sr. Nos.	Points	Findings
01.	Whether amendment as prayed, is required to be allowed?	Yes
02.	What order?	Application is allowed

REASONS

As to point no.01 :-

06. Record shows that, in petition, Exh.01, occupation and income of the petitioner is mentioned as “service” at Reliance Petrol Pump and Rs.9,000/- per month. His another occupation and income, if any, therefrom is not mentioned.

07. Point of occupation and income, if any, pleaded by the petitioner, is to be proved by him only. If proposed amendment is allowed, at this stage, then also, opponent no.02 has every opportunity to cross examine all/ any of the witness/

witnesses of the petitioner, on this point, as well as to lead any evidence in its rebuttal. But if this amendment is not allowed, or rejected, then it may cause loss of opportunity for the petitioner, to put up his case, about his occupation and income, if any. It may also cause multiplicity of litigation.

08. For the reasons discussed above, point no.01 is answered in **affirmative**.

As to point no.02 :-

09. In the light of findings of point no.01, for the reasons discussed above, in answer to point no.02, following order is passed :-

ORDER

01. Application, Exh.21 is allowed.

02. The petitioner is directed to amend petition, Exh.01, accordingly, forthwith.

03. Parties to bear their own costs.

Sd/-xxx

**Thane
Date : 22.01.2025**

**(S. N. Shah)
Member, M. A. C. T., Thane**