

Jyoti Vyapari + 2 V/S Tata AIG Gen. Insu. Co. Ltd. + 01



ORDER BELOW EXH - 22
[07th May 2026]

1] This is an application filed by the petitioners under Order VI Rule 17 of the Code of Civil Procedure, 1908, seeking amendment of the claim petition.

2] The petitioners submits that they have filed a death claim petition. Respondent No. 1 appeared and filed written statement, whereas Respondent No. 2 did not appear, resulting in an ex-parte order against him. It is further submitted that due to inadvertence of the previous counsel, the truck driver namely Manoj Suresh Raghuwanshi, who is a necessary party to the proceedings, was not impleaded in the petition. The petitioners, therefore, seeks permission to amend the petition so as to add the said driver as a party respondent.

3] Respondent No. 1 has filed no objection to the proposed amendment. Respondent No. 2 did not appear, resulting in an ex-parte order against him.

4] I have perused the application, the say filed, and the record. Heard learned counsel for the party present. The proposed amendment is sought to implead a necessary party whose presence is essential for complete and effective adjudication of the claim. The omission appears to be inadvertent and not deliberate. The amendment does not change the nature of the claim petition, nor does it introduce any new cause of action. On the contrary, it will facilitate proper adjudication of the matter on merits and avoid multiplicity of proceedings. The law is well settled that amendments which are necessary for determining the real

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controversy between the parties should ordinarily be allowed, unless mala fides or prejudice is shown. In the present case, the proposed amendment is bona fide, necessary, and in the interest of justice.

5] In view of above I am of the view that the proposed amendment is essential for deciding the real question in controversy between the parties. Hence, the following order is passed:

ORDER

- 1] The amendment application is allowed.
- 2] The petitioners shall carry out the amendment in the petition within 14 days from the date of this order in view of Order VI Rule 18 of the Code of Civil Procedure, 1908.

Date: 07th May 2026

[Vishal A. Sathe]
District Judge-4, **Wardha.**