

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, KARUR.**PRESENT: THIRU.N.S. JAYAPRAKASH., B.Sc., B.L.,****Chief Judicial Magistrate****Saturday the 19th day of July 2025****I.A.No.04/2025 in M.C.O.P. No.124/2023**Ramkumar,
So.Subramani

....Petitioner/Petitioner

//Vs//

1. Pasupathi,
S/o.Palanisamy2. The Manager,
M/s.Chozhamandalam M/s General Insurance Company Ltd,
Trichy.

.... Respondents/Respondents

ORDER

This petition was filed on behalf of the Petitioner Order 6 Rule 17 and Section 151 of CPC.

2. The gist of avernments made in the affidavit as follows:-

The Petitioner is the claimant in the main application. The main petition was filed seeking compensation for the injuries sustained by the petitioner in a road accident on 09.11.2022. The petitioner was proceeding in a two wheeler bearing Reg.No.TN-48-C-0906 at Covai – Karur main road from east to west at 9.30 a.m on 09.11.2022. The petitioner was looking for on coming vehicles to take diversion towards Athur. While so, a Van bearing Reg.No.TN-50-S-6211 came in a rash and negligent manner and dashed on the petitioners vehicle there by causing injury on the body of the petitioner. But, it is stated in the main petition that, the Van bearing Reg.No.TN-50-S-6211 came in the same direction and dashed on the petitioner. The said contention is not correct. Therefore, an amendment has to be made to give proper information regarding the direction. Hence the petition.

3. The brief contention of the objections filed by the 2nd respondent is as follows:-

The petition is not maintainable either in law or on facts. The petitioner was solely responsible for the accident. After registering FIR, the police on due enquiry found that the petitioner had caused the accident and on the ground of mistake of fact closed the FIR. The petitioner alone was solely responsible for the accident. Hence, the 2nd respondent is not liable to pay compensation to the petitioner. As per the version of the FIR, at first the petitioner stated the narration of the accident. Now the petitioner is making fraudulent steps by way of amendment to change the character of narration of the accident which is false and imaginary one in order to get over the closing of the FIR as mistake of facts. The petitioner is not entitled to change the character of the narration of accident by way of amendment. It will alter the nature and character of narration of accident and it is not permissible as per law. The petition is liable to be dismissed.

4. Both sides has not let in oral evidence and no documents marked.

5. Based on the above submissions, the point for determination is whether this petition could be allowed or not?

5(1) Heard both sides. Records perused. The main petition was filed by the claimant, the petitioner herein, claiming compensation for the injuries sustained in the road accident dated 09.11.2022. It is stated in the petition that the petitioner was proceeding from east to west and waiting to take diversion. Whiles, a Van came from same direction and dashed on the two wheeler.

5(2)The petitioner has stated that the said contention is not correct and the same was incorporated based on the contents in the FIR. Now, the FIR was closed as mistake of fact. The petitioner intend to amend the petition to incorporate that the Van came in the opposite direction and dashed on his vehicle.

5(3)The enquiry in the main petition is yet to commence. The petitioner has sought for the amendment only regarding direction of the opposite vehicle. The petitioner has stated that the direction has been incorporated in the petition based on the FIR. The contention of the petitioner is acceptable. No prejudice would be caused to the respondent if the amendment is permitted. This court is of considered view to allow this petition in the interest of justice.

In the result, this petition is allowed. No costs.

Dictated to Steno-Typist and directly typed by her in the computer and corrected and pronounced by me in the open Tribunal on this the 19th day of July 2025.

**Chief Judicial Magistrate
Karur.**