

MACC CASE NO : 04/19 of 2016 (cis-19/16)
CNR NO : WBBB01-000087-2016
JO CODE : WB 00702

Order No.35 Dated 07/12/2024

This day is fixed for hearing of a petitions dated 03/10/2024 filed by the petitioners under Order 6 rule 17 read with section 151 of CPC praying for incorporation of a certain facts which have not been mentioned in the contents of the said petitions on the ground stated therein.

Perused the petitions .

Heard Ld. Advocate for the petitioners/claimant and Ld. Advocate appearing on behalf of OP/Insurance Co.

Ld. Advocate for the petitioners submitted that the petitioners nos 2, 3 & 4 being the daughter and sons of deceased of Sk Nasir have attained their majority and the name of petitioner no.5 has been mentioned in the original petition as Sultana Shah instead of Sultana Begum. He also submitted that the amendment sought for is formal in nature and if the proposed amendment is allowed the OP/Insurance Co. will not be prejudiced and the proposed amendment will not change the nature and character of this case and prayed for allowing the proposed amendment.

Ld. Advocate appearing on behalf of OP/Insurance Co. submitted that the amendment sought for by the petitioners in a belated stage when this court has been pleased to fix the instant case for peremptory hearing . Ld. Advocate further contended that he has no objection if the proposed amendment is allowed and accordingly, prayed for passing necessary order.

Considering the facts and circumstances of this case and hearing the rival submission of both the parties, it can safely be said that if the proposed amendment is allowed, it would not change the nature and character of the instant case. Moreover, I also find that the amendment sought for is essential for proper adjudication of this case. I also find that for coming to a just conclusion of this case the amendment sought for is required to be allowed and if the said amendment is allowed, it would not cause any prejudice to the OP/Insurance Co. .

In view of the above circumstances, the instant petitions dated 03/10/2024 are hereby allowed for proper adjudication of this case.

Hence, amend the original claim petition filed by the petitioners/claimant and register the same accordingly. Let the amendment petitions be made part of the original claim petition.

Ld. Advocate for the Petitioners/claimant is also directed to file the amended claim petition afresh by **14/01/2025** and to serve the same upon the Ld. Advocate for the OP/Insurance Co..

Amend the Original claim petition accordingly.

B.C.-I is directed to do the needful at once.

To date i.e. 14/01/2025 for filing the amended claim petition by the Petitioner/claimant.

Dictated & Corrected by me

sd/-

Judge, MAC Tribunal, 1st Court,
Burdwan

sd/-

Judge, MAC Tribunal, 1st Court
Burdwan.

