

MACC 84/22 (CIS 84/22)

Order Dt. 13.08.2025

Today is fixed for P hearing.

The petitioner has filed an application under order 6 rule 17 C.P.C. praying for amendment of the application praying for compensation. Copy supplied.

Ld counsel for the petitioner and the OP are present.

It is submitted by the petitioner that at the time of filing of the case typographical error crept into the application praying for compensation. Now the petitioner intends to make necessary changes in the petition for claim of compensation by way of amendment.

It is submitted by the Ld counsel for the petitioner that due to typographical mistake the name of the father of the deceased has been mentioned erroneously. It is also pointed out that the name of the other victim of the accident has also being mentioned erroneously.

On perusing the application seeking compensation it appears that mistakenly the name of the father of the deceased and the other victim has been mentioned out of inadvertence.

The suit is in the nascent stage.

It is object of this court to bring all facts before it which are necessary for just decision of this case. The only question to be considered in an application for amendment is whether the amendment is necessary for deciding the real controversy between the parties of the suit.

Upon hearing the submission of the petitioner and the OP perusing the proposed amendment, it appears that it does not change the subject matter of the case. Such correction if allowed does not chance the nature and character of the case. The correction sought to be made by way of amendment forms an integral part of this suit.

This court is inclined to allow the prayer of the petitioner under order 6 rule 17 of C.P.C.

Hence, it is

Ordered

that the application of the petitioners under Order 6 rule 17 of C.P.C. is allowed.

Let the petition seeking compensation be amendment as per the schedule of the application.

Addl. Dist. & Sessions Judge,

F.T.C. -1,

Alipurduar.

J.O. Code W.B. 01009

Later,

The petitioner files amended application seeking compensation. Copy supplied

Let it be kept in the record.

Addl. Dist. & Sessions Judge,

F.T.C. -1,

Alipurduar.

J.O. Code W.B. 01009

MACC 84 of 2022

Contd Order dated 13.08.2025

The petitioner files examination in chief on affidavit of PW 1 and PW 2. Copy supplied.

Both the petitioner and OP No. 2 filed legal appearance.

Ld counsel for the petitioner and OP No. 2 are present.

The witness PW 1 and PW 2 are present before the court and examined in full.

The documents filed by the petitioner are marked as exhibit as follows:

Certified copy of formal FIR. Let it be marked as Exhibit 1.

Certified copy of written FIR. Let it be marked as Exhibit 2.

Certified copy of seizure list dated 28.08.2022. Let it be marked as exhibit 3.

Certified copy of seizure list dated 02.09.2022. Let it be marked as exhibit 4.

Certified copy of seizure list dated 13.09.2022. Let it be marked as exhibit 5.

Certified copy of Mechanical report of the vehicle. Let it be marked as exhibit 6.

Certified copy of owner's bond. Let it be marked as exhibit 7.

Certified copy of charge sheet. Let it be marked as exhibit 8.

Certified to be true copy of PM report. Let it be marked as Exhibit 9.

Certified to be true copy of registration. Let it be marked as exhibit 10.

Certified to be true copy of insurance policy of offending vehicle. Let it be marked as Exhibit 11.

Certified to be true copy of fitness copy of the offending vehicle. Let it be marked as Exhibit 12.

Certified to be true copy of letter of authorization of offending vehicle. Let it be marked as Exhibit 13.

Xerox copy of tax token of offending vehicle. Let it be marked as Exhibit 14.

Certified to be true copy of driving license of driver of offending vehicle. Let it be marked as Exhibit 15.

Xerox copy of Aadhar Card of petitioner No. 1, 2. Let it be marked as exhibit 16 series.

Xerox copy of Aadhar Card of deceased. Let it be marked as exhibit 17.

Certified to be true copy of accident information report. Let it be marked as exhibit 18.

Fixing 01.11.2025 for argument.

Addl. Dist. & Sessions Judge,
FTC-I, Alipurduar.

Additional Dist. & Sessions Judge,
1st Fast Track Court, Alipurduar.

