

MACC No.50 of 17 (53 of 17)

2.4.19

Today is fixed for framing of issues.

Claimants and insurance company filed their respective haziras.

Claimants file one amendment application u/s 6 Rule 17 of CPC praying for amendment of the vehicle number in part No.23 of the claim application as mentioned in detail in the schedule of amendment application.

Copy served.

Ld. Advocate for the Insurance company raised objection regarding the prayer for amendment.

Ld. Advocate for the claimants submits that due to inadvertence and oversight the vehicle number has been typed in Para No.23 of the claim application as JH-09K/3016 in stead of JH-09K-3060. As such the amendment of the claim application is very much necessary. According to him the proposed amendment will not change the nature and character of the suit and neither of the parties will be prejudiced in any way, if the proposed amendment is allowed.

On perusal of the record, I find that in Para No.15 the number of the vehicle has correctly mentioned but in Para No.23 the number of the vehicle has been typed wrongly as 3016 instead of 3060.

Considering the facts, I am of the view that the mistake is simply clerical one and it will not change the nature and character of the case. Accordingly, the prayer for amendment is hereby allowed.

Dealing Assistant to make note accordingly.

Claimants are directed to file amended claim by the next date.

Fix 15.5.19 for filing amended claim application and addition objection if any, in the meantime and framing of issues.

Dictated and Corrected by me

Judge, M.A.C. Tribunal
1st Court, Purulia.

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