

MAC Case No: 240 of 2012
(CIS No.240/12)
CNR No: WBSP01-008230-2012
Present: Subhra Som Ghosal (J.O Code: WB00984)

Order No. 38, dated: 26.09.2023

The petitioner/claimant has been duly represented by filing hazira.

The opposite party No. 02 has also been duly represented by its Ld. Advocate.

As stipulated by the previous order, today is fixed hearing of the petition U/o 6 Rule 17 CPC, W/O if any in the meantime.

Hence the case record is taken up for hearing.

Learned advocate for the petitioners/claimant submitted that the amendment as sought for is formal in nature and this amendment will in no way change the nature and character of the case, rather it will help in proper adjudication of the case and dispensation of just compensation. Elaborating on this; it was submitted by the Ld. Advocate for the petitioner that in paragraph No.9 of the cause title of the claim petition, the number of the PS Case was written as "Minakhan PS Case No. 27/2011" in place of "Minakhan PS Case No.31/2011".

The Ld. Advocate for the opposite party No. 02 did not raise any objection.

I have perused the claim petition in juxtaposition with the amendment petition.

At the very outset, I must hasten to articulate that as per Section 169 of the M.V Act, every Claims Tribunal may exercise all or any of the powers vested in a Civil Court. Such provision has been elaborated by Rule 342 of the West Bengal Motor Vehicles Rules, 1989. As per Rule 342 of the West Bengal Motor Vehicles Rules, 1989 the Claims Tribunal may exercise all or any of the powers of Civil Court as may be necessary in any case for discharging its functions under the Act and these rules. As per Rule 342 of the West Bengal Motor Vehicles Rules, 1989 several provisions of the Code of Civil Procedure, 1908 (5 of 1908) as subsequently amended, has been made applicable to the proceedings before every Claims Tribunal. Order VI rule 17 of the Code of Civil Procedure, 1908 is with such array of provisions mentioned in Rule 343. Hence this Tribunal is perfectly within its jurisdiction in entertaining and allowing the prayer of the petitioner/claimant if, the facts and circumstances justify such prayer.

After perusing the prayer, I find that it is in the form of correction of number of PS Case and such amendment will in no way change the nature and character of the claim petition and also will not cause any prejudice to the other side.

Hence based on the above delineations, I find the prayer of the petitioner to be ratified by law. Accordingly, the amendment as sought for is allowed. Considering the bonafide nature of the petition no cost is imposed upon the petitioners. Claimant/petitioner is directed to file amended claim petition.

To 04.01.2024 for filing amended claim petition.

Typed to the dictation directly;
corrected on the system.

Additional District and Sessions Judge,
01st Court, Alipore,
South 24 parganas.

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