



MACC No. 428 of 2023
CNR No. WBUD05-002148-2023

Present : Sri Binay Kumar Nonia (J.O.Code : WB01032)
Judge, MAC Tribunal-cum-A.D.J,
2nd Court, Islampur, Uttar Dinajpur.

Order No.20 dt. 21.04.2026

Today is fixed for hearing of the petition u/o 6 rule 17 of the CPC filed by the petitioner dated 03.12.2025.

Petitioner files hazira through Ld. Advocate.

The petition u/o 6 rule 17 of the CPC dated 03.12.2025 is taken up for hearing.

Heard Ld. Advocate of the petitioner.

Ld. Advocate for the petitioner submits that at the time of filing this case, the petitioner have filed this case u/s 166 of the MV Act by mistake which is necessary to be amended and also the column No.6 of the claim petition "Monthly income of the person injured Rs.9,000/- was written by the petitioner by mistake at the time of filing this case which is also necessary to be amended. The claim petition where it is written u/s 166 of the MV Act instead of u/s 164 of MV Act and the monthly income of the person injured as Rs.9,000/- instead of Rs.3,300/- and also written the amount of compensation claimed as Rs.6,00,000/- instead of Rs.3,00,000/. Ld. Advocate further submits that the above inadvertent mistake is unintentional. The proposed amendment will not change the nature and character of the claim application and prayed for allow the amendment petition.

Heard Ld. Advocate for the petitioner.

Considered.

On perusal of the case record and the petition as well as documents it appears that the case is running ex parte vide order dated 05.09.2024. Now, the petitioner has prayed for amendment of Section as well as the the quantum of compensation on the ground stated therein. The claimant is injured person due to the accident and seek compensation against the insurance company and the registered owner. The trial of the case has not been started. At this stage the proposed amendment of the claimant for change of section of the Motor Vehicles Act as well as the compensation amount is formal in nature. It will not change the nature and character of the proceeding. Therefore, this Court is of the view that the proposed amendment is necessary for proper adjudication of the case. Accordingly, the prayer is allowed.

Hence, it is

ORDERED

that the petition u/o 6 rule 17 of the CPC dated 03.12.2025 filed by the petitioner for amendment of the claim petition is allowed on ex parte without any order as to cost.

The petitioner is directed to file amended copy of claim petition within next date from the date of this order.

The petitioner/claimant is also directed to furnish fresh requisite upon the insurance company along with the amended copy of claim.

To **15.06.2026** for filing of amended copy of claim petition.

Dictated & corrected by,

Judge, M.A.C.T.

Judge, M.A.C. Tribunal,
2nd Court, Islampur, U/Dinajpur.