

MAC. Case no.84/20

34/19.11.25

Today is fixed for hearing in respect of the petition filed on behalf of the petitioners praying for an amendment of the claim petition, under order 6 rule 17 CPC r/w sec-151 CPC.

This amendment petition was filed on 28.28.25.

Heard both sides.

Ld advocate for the claimants submitted that at the time of drafting the claim petition, due to hurry and inadvertence a mistake has been made in writing the proper section of the Motor Vehicles Act, under which the instant claim lies.

Ld advocate emphasized that this is a claim u/s. 163A of the M.V. Act. But due to inadvertence, the said section was mentioned as 164.

Ld advocate further submitted that the death of the deceased Nirod Biswas occurred as a result of Road Traffic Accident on 01.06.20. In accordance with the latest amendment of the M.V. Act in 2019, the provision for payment of compensation on structural formula basis is contained in sec-163A. Earlier to this, the said provision was contained in sec-164. Now as the accident took place in the year 2020, the proper section under which such claim is to be made is section 163A and not section 164 of the M.V.Act.

In this respect, Ld advocate referred to the judgment of the Hon'ble Apex Court in Civil Appeal no. 3845 of 2008. Ld advocate also referred to the decision of the Hon'ble Apex Court in SLP 8412-8413/2023 where the Hon'ble Court has held that the Tribunal or the High Courts shall not dismissed claim petitions on the ground of such petitions barred by limitation.

Ld advocate accordingly prayed for allowing the necessary amendment. Ld advocate for the OP/Ins. Co raised formal objection and submitted that the case has proceeded to a good extend and evidence of two witnesses on behalf of the petitioners have already been examined. If such amendment is allowed at this stage, unnecessary delay shall occur in completion of the hearing of this claim petition.

I have considered the submissions made by both sides. I have also considered the citations referred by Ld advocate for the petitioners.

At this stage, I am of the view that by way such of amendment, the petitioners have not tried to introduce any new facts which would effect the case of the OP/Ins. Co. prejudicially.

Accordingly, the prayer for amendment stands allowed.

Petitioners are directed to file amended plaint positively by the next date.

Fix 28.01.2026 for filing amended plaint.

Dictated by me

Judge

ADJ,FTC-I,Raiganj, U/D.