

WBUD050008342023



**M A C C/122/2023**

**Josnera Khatun and others Vs. ICICI Lombard GIC. LtdMACC- 122 of 2023**

CNR WB UD05-000834-2023

Present : Sri Nilanjan De, ( **J.O Code-WB00716**)  
Judge MAC Tribunal,  
F.T.C-II, Islampur, U/Dinajpur.

**Order No. 19 dt. 11.11.2025**

Today is fixed for delivery of judgement.

The petitioners/claimants file a written objection against the amendment petition filed by the Insurance Co. Copy served.

The petition is taken up for hearing.

The Ld. Advocate on behalf of the OP submitted that the amendment can be filed at any stage and it is reflected from the personal enquiry that the offending tractor BR-37GA-4220 was not insured with this OP at the time of the accident and it is the owner's/OP No.1 liability to the compensation. The Ld. Advocate on behalf of the Insurance Co. supplied the photocopy of the admission register from the BMOH, Chakulia BPHC. Two judgements of the Apex Court are submitted which suggested the Court should be extremely liberal in granted amendment of pleadings.

The Ld. Advocate on behalf of the claimants submitted that no document in support of their claim was submitted rather the evidence and the police documents already established about the accident and that the offending vehicle is under coverage of the OP no.2.

Heard both sides.

It appears that the Insurance Co. at the last the final stage praying for the amendment and as per the citations of the Apex Court which stated that the court should liberal in allowing the amendment, the petition for amendment is allowed on contest without cost.

The claimants also file an amendment petition for rectifying the typographical mistake in the claim petition.

The date of accident which was erroneously written as 20.02.2023 instead of 02.02.2023 be corrected accordingly.

Let both the amendment petitions are allowed.

Parties are directed to submit amended pleadings on the next date positively.

The case is taken off from P Board.

Fix : **18.12.2025** for amended pleadings by both sides.

Judge, MAC Tribunal,  
FTC -2<sup>nd</sup> Court Islampur, U/Dinajpur