

**Court No. - 6**

**Case :-** MATTERS UNDER ARTICLE 227 No. - 6104 of 2023

**Petitioner :-** Manish Kumar Singh

**Respondent :-** Motor Vehicle Claim Tribunal District Hardoi And 2 Others

**Counsel for Petitioner :-** Rajat Pratap Singh

**Hon'ble Rajnish Kumar,J.**

Heard Sri Rajat Pratap singh, learned counsel for the petitioner.

This petition has been filed challenging the order dated 31.10.2023 passed in M.A.C.P. No.20/2018, by means of which application 33(Ga) for amendment in the written statement filed by the petitioner has been dismissed.

Learned counsel for the petitioner submits that the application for amendment filed by the petitioner has wrongly and illegally been dismissed by means of the impugned order and the claim petition can be decided finally after amendment.

Having considered submissions of learned counsel for the petitioner, I have gone through the records.

The claim petition under Section 166 of the Motor Vehicles Act 1988 has been filed by the respondent nos. 2 and 3, in which the written statement was filed by the petitioner specifically stating in paragraph 27 that the respondent no.2, who is known to the petitioner, had taken away the motor cycle of the petitioner, who has valid driving license. However, the petitioner has moved an amendment application in the petition, by means of which he wants to incorporate that the motor cycle was not in working condition since long and is standing in front of the house of one friend of the petitioner Sri Ramji Gupta. Therefore apparently the petitioner wants to completely change the defence. Accordingly, the tribunal rejected the amendment application recording a specific finding that it will affect the nature of the case.

In view of above, this court does not find any illegality or error in the impugned order, which may call for any interference by this Court.

**Dismissed** accordingly.

**Order Date :-** 5.12.2023

Akanksha