

GAHC010266242018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/4132/2018

SMTI. SUBALA DAS
W/O- LATE LOHIT CHANDRA DAS
R/O- RANGAMATI, HUZURIPARA, P.S.- PALASHBARI, PIN- 781128

VERSUS

THE NATONAL INSURANCE CO. LTD.
MALIGAON BRANCH, MALIGAON, GUWAHATI- 781012, DIST.- KAMRUP
(M), ASSAM

Advocate for the Petitioner : MS. M DASGUPTA

Advocate for the Respondent : MR. B J MUKHERJEE

Linked Case : I.A.(Civil)/1064/2024

SMT SUBALA DAS
W/O LOHIT CH. DAS
R/O RANGAMATI
HUZURIPARA
P.S. PALASHBARI
PIN 781128

VERSUS

MRS GITANJALI KUMAR and 2 ORS
W/O SRI AMULYA KUMAR
P.O. PALASHBARI
WARD NO. 9
P.S. PALASHBARI 781128

2:SRI RAMESH BORDOLOI

S/O- LATE DHARMESHWAR BORDOLOI
R/O- PUB- MUZIRGAON
P.S. AZARA
DIST.- KAMRUP
ASSAM
PIN- 781017.
3:THE NATIONAL INSURANCE CO. LTD.

MALIGAON BRANCH
MALIGAON
GUWAHATI 781012
POLICY NUMBER 200800/31/04/63/04104

Advocate for : MR. B K JAIN

Advocate for : MR S S SHARMA appearing for MRS GITANJALI KUMAR and 2 ORS

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 04-04-2024

Heard Mr. B.K. Jain, learned counsel appearing for the applicant.

I have also heard Ms. L. Sarma, learned counsel for the opposite party Insurance Company.

This is an application under Order VI Rule 17 of Code of Civil Procedure, 1908 along with section 151 and section 153 of the said Code for granting leave to amend the pleadings.

The petitioner filed an application claiming compensation under section 163A of the M.V. Act, 1988 before the learned Tribunal but the

learned Tribunal considered the application as an application under section 166 of the M.V. Act 1988, and disposed of the matter accordingly.

Therefore, the petitioner prays that the heading of the claim petition requires to be amended because in the heading, it was mentioned that it was an application under section 163A of the M.V. Act 1988 due to typographical error.

In support of his submission Mr. Jain relied upon a decision of this Court that was delivered in Sandha Debi Thapa –Vs- Anjali Debi Thapa and Ors.

I have also considered the submissions made by the learned counsel of both sides.

The prayer for amendment of the pleading is allowed.

Hence, for the claim petition shall be considered to an application under section 166A of the M.V. Act 1988.

Amendment may be done in the claim petition by the office.

Accordingly, the I.A. stands disposed of.

JUDGE

Comparing Assistant