

THE HIGH COURT OF TRIPURA
AGARTALA
CRP 117 OF 2015

1. Golapi Debbarma,
W/O. Late Padma Kumar Debbarma,
2. Bhumita Debbarma,
D/O. Late Padma Kumar Debbarma,
3. Rahul Debbarma,
S/O. Late Padma Kumar Debbarma,

All are residents of Ramchandranagar,
Rajchantaipara, West Tripura,
P.S.-Budjangnagar, District-West Tripura.

(Petitioner No.2 is the minor daughter of deceased Padma Kumar Debbarma and the Petitioner No.3 is the minor son of deceased Padma Kumar Debbarma. The Petitioner No.2 & 3 being minor, represented by the Petitioner No.1, being the mother and natural guardian)

..... **Petitioners.**

- V e r s u s -

1. Sri Kirode Debbarma,
S/O- Sri Chandra Kumar Debbarma,
Resident of Basurampara, P.S.-Mandai,
West Tripura, PIN-799045 (Owner of
offending vehicle bearing No.TR-01-AJ-
0751 (Maruti Van),
2. The Divisional Manager,
New India Assurance Company Ltd.,
RMS Chowmuhani, Agartala,
West Tripura, PIN-799001,
(Insurer of the vehicle No.TR-01-AJ-
0751 (Maruti Van).

..... **Respondents.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the petitioners : Mr. P. Roy Barman, Advocate.

For the respondent No.1 : Mr. Sanjib Debbarma,
Advocate.

For the respondent No.2 : Mr. A. Das, Advocate.

Date of hearing & judgment : 18.11.2015.

Whether fit for reporting : **NO.**

JUDGMENT & ORDER (ORAL)

This revision petition is directed against the order dated 22-07-2015 passed by the learned Motor Accident Claims Tribunal, West Tripura, Agartala in case No. T.S. (MAC) 297 of 2014 whereby the learned Tribunal has rejected the application for amendment of the claim petition.

2. In the claim petition, it was alleged that the vehicle was insured with the New India Assurance Company Limited. When the owner filed his written statement, it was stated that the vehicle was in fact insured with the National Insurance Company Limited. The claimant filed an application for amendment of the claim petition in which it was prayed that it may be permitted to add the National Insurance Company as the insurer of the vehicle.

3. In the Schedule for amendment, it was mentioned that in second page in the claim petition National Insurance Company Limited, 42, Akhaura Road, West Tripura, PIN-799001 being the insurer of vehicle No.TR-01-AJ-0751 (Maruti Van) be inserted as noticee for the ends of justice. The learned Tribunal rejected this application on totally hypertechnical grounds.

4. I have gone through the order of the Tribunal but I fail to understand what the Tribunal is trying to convey by means of this order.

5. The Tribunal lost sight of the fact that it was dealing with a petition under the Motor Vehicles Act (M.V. Act). The Tribunal also lost sight of the provisions of Section 158 of the M.V. Act. Even if there was some technical error in the petition, the claimant could have been directed to correct the petition but his request could not have been rejected because even according to the owner the vehicle was insured with the National Insurance Company Limited and not with the New India Assurance Company Limited. I fail to understand how the cause of justice is served by rejecting such an application in this manner. This itself is causing unnecessary delay to the matter.

6. I, therefore, allow the petition and direct that wherever the name of New India Assurance Company Limited appears in the claim petition that shall be replaced by the National Insurance Company Limited as prayed by the claimant. The claimant is directed to file amended claim petition before the Tribunal and thereafter notice shall be issued to the National Insurance Company Limited and the matter shall then be decided in accordance with law.

7. The revision petition is disposed of in the aforesaid terms. No costs.

CHIEF JUSTICE