

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

OP(C).No. 167 of 2015 (O)

OS 660/2012 SUB COURT, ERNAKULAM.
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PETITIONER(S):

1. **MANAGER,
RELIANCE GENERAL INSURANCE CO.LTD.,
19 WALCHAND, HIRACHAND MARG,
BALLARD ESTATE, MUMBAI - 400 001.**
2. **RELIANCE GENERAL INSURANCE CO.LTD., XL/35994,
ELIZABETH ALEXANDER MEMORIAL BUILDINGS,
SHANMUGHAM ROAD, MARINE DRIVE,
COCHIN - 682 031, REPRESENTED BY MANAGER.**

**BY ADVS.SRI.K.J.SAJI ISAAC
DR.ELIZABETH VARKEY**

RESPONDENT:

**R.VIJAYAKUMAR, S/O.RAJAKRISHNAN,
VII/1766, JAWAHAR ROAD, KOOVAPADAM,
COCHIN, ERNAKULAM, KERALA - 682 002.**

**BY ADVS. SRI.N.M.MADHU
SRI.P.P.HARRIS
SMT.C.S.RAJANI**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 23-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

O.P.(C)No.167 of 2015

Dated this the 23rd day of November, 2015

J U D G M E N T

Petitioners are the defendants in OS.660 of 2012 of Sub Court, Ernakulam. The respondent/plaintiff had insured a vehicle with the petitioners. In an accident it sustained damage. The suit is for compensation. The respondent filed an application to amend the plaint, which has been allowed by the learned Sub Judge by the impugned order.

2. Heard.

3. The plaint contained the following averment.
"The plaintiff has incurred a sum of Rs.8,35,756.56/- (Rupees eight lakhs thirty five thousand seven hundred and fifty six and fifty six paise only) for the repair accessories and services of the above said car". This has been sought to be substituted by "The plaintiff has to pay a sum of Rs.8,35,756.56/- (Rupees eight lakhs thirty five thousand seven hundred and fifty six and fifty six paise only) for the repair accessories and services of the above said car". Along with the plaint the respondent has

produced an estimate prepared by a workshop owner. He has not produce any bill. So it appears that his case is that he has to spend the amount claimed in the plaint to repair the car. The statement in the plaint appears to be due to an innocent mistake. There was nothing wrong in allowing the respondent to amend the plaint.

In the result this OP is dismissed. The petitioner will be given an opportunity to file additional written statement after the amendment of the plaint.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge