

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.551 of 2008 (O&M)

Date of decision: 27.07.2015

Smt. Anita Devi and others

... Petitioners

versus

Kailash Chand and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Sandeep Jasuja, Advocate,
for the petitioners.

Mr. Rohit Goswami, Advocate,
for Mr. Vinod Chaudhari, Advocate,
for respondent No.4.

K.Kannan, J. (Oral)

1. Revision petition is against an order rejecting an application for amendment of the petition when the claimant wanted to scale down his claim to salary at ₹3,300/- against ₹3,500/- already stated. It was a petition under Section 163-A of the Motor Vehicles Act and the objection taken was that as per the said provision, only claims by or on behalf of persons whose salary was ₹40,000/- per annum could be entertained under Section 163-A and the application for amendment was brought deliberately to pursue the claim.
2. Even it was the claimant's deliberate attempt, I will not find the court should have rejected the plea, for, Section 163-A

provides a fast-tracking procedure to claim amount on structured formula. If the petitioner was restricting his income only at ₹3,300/- and would state the reference to ₹3,500/- was a clerical mistake, the Tribunal ought to have been accepted the same. A doubt could be raised only in cases where the person's income is evidenced through salary slip or some other document and the modification against the terms of such documentary proof could be denied. Where a person makes merely some oral assertions about his salary and sets it out in the petition and wants it modified, I do not think the strict rule of pleading that may be applicable under the CPC must be invoked to defeat the claim.

3. The order passed is set aside and I will allow for the amendment to be brought about in the manner sought for by the claimant-petitioner. The impugned order is set aside and the civil revision is allowed.

(K.KANNAN)
JUDGE

27.07.2015

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