

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11875 OF 2015

Sunita Jitendra Wagh and Others ..PETITIONERS

VERSUS

Kureshi Chand Mahammad Chandu and Others ..RESPONDENTS

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Mr. S.S. Chapalgaonkar, Advocate h/f Mr.V.B. Patil, Advocate for petitioners.

Mr. R.F. Totala, Advocate for Respondent No.2.

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**CORAM : T.V. NALAWADE, J.
DATED : 21st SEPTEMBER, 2016**

ORDER :

1. The petition is filed to challenge the order dated 15th July, 2015 made by the Motor Accident Claim Tribunal, Jalgaon on Exhibit 56 in Motor Accident Claim Petition No. 164 of 2008. Both the sides are heard.

2. Application was filed by the original claimant for seeking amendment. The claimant wanted to reduce the claim to see that the petition is tenable under Section 163-A of the Motor Vehicles Act, 1988. The application is rejected by the Claims Tribunal. The learned Counsel

for claimants/present petitioner places reliance on **2004(5) Bom.C.R. 129** in the case of ***Deepal Girishbhai Soni and Others Vs. United Insurance Co. Ltd.***

3. The provision of Section 163-A is made for benefit of the claimant and to see that urgent relief is given to the claimant and the defence is restricted. In view of this and as right from beginning it was the intention of the claimant to go for proceeding under Section 163-A of the Motor Vehicles Act, 1988, the Tribunal ought to have allowed the application for amendment. No prejudice would have been caused to the respondent.

4. In view of these circumstances, the petition is allowed. Order made by the Chairman, Motor Accident Claim Tribunal, Jalgaon is hereby set aside. Application at Exhibit 56 is allowed.

(T.V. NALAWADE, J.)

SSD