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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 1232/2015**

THE ORIENTAL INSURANCE CO LTD Petitioner
Through: **Mr. A.K. Soni, Advocate**

versus

UMA DWIVEDI & ORS Respondents
Through: **Mr. Rishi Vohra, Advocate for
respondent No.1**

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
08.12.2016

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Petitioner's application for amendment of written statement is rejected by learned Tribunal vide impugned order of 21st July, 2015 by observing that respondent-claimant has already led evidence. The reason put forth to seek the amendment is that after inquiry only, it could be found out that the driver of the vehicle in question was not holding a valid driving licence and so, this plea could not be taken earlier.

Upon hearing and on perusal of impugned order as well as the record of this case, I find that the amendment sought goes to the root of the matter and for the inadvertence in not taking this plea earlier, a party can always be put to terms. Accordingly, this petition is allowed and the impugned order is set aside subject to costs of ₹10,000/- to be paid by petitioner to counsel opposite before the trial court on the date now fixed.

This petition and the application are disposed of with clarification

that if the costs are not paid, then the impugned order shall stand.

The parties to appear before the trial court on 3rd January, 2017.

Trial court record be sent back forthwith.

Dasti to learned counsel for petitioner.

(SUNIL GAUR)
JUDGE

DECEMBER 08, 2016

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