NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.353 of 2017

1. Manharan Dhiwar S/o Gendram Dhiwar, Aged About 55 Years R/o Village Gatoura, Police Station : Masturi, District : Bilaspur (Chhattisgarh)

2. Sumitra W/o Manharan Dhiwar Aged About 50 Years R/o Village Gatoura, Police Station : Masturi, District : Bilaspur (Chhattisgarh)

---- Petitioners

Versus

1. Parmanand @ Atma Dhiwar S/o Dharmu Ram Dhiwar, Aged About 30 Years R/o Village Gatoura, Duchhiya Para, Police Station : Masturi, District : Bilaspur (Chhattisgarh)

2. Branch Manager, TATA AIG, General Insurance Company Limited, Chhattisgarh Complex, Telephone Exchange Road, In Front Of Geeta Lodge Bilaspur, (Chhattisgarh)

--- Respondents

For Petitioner : Mr. Ashish Beck, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

11/05/2017

(1) In claim case preferred by the petitioners herein under Section 166 of the Motor Vehicle Act, 1988 before the Claims Tribunal in which the petitioners filed an application under Order 6 Rule 17 of the Code of Civil Procedure (for short, 'the CPC') for amendment of claim application which has been rejected by the Claims Tribunal by its impugned order dated 22.03.2017 against which, this petition under Article 227 of the Constitution of India has been filed.

(2) Learned counsel appearing for the petitioner would submit that the proposed amendment is necessary for just and proper disposal of

the claim application and, therefore, the impugned order be set aside.

(3) I have heard learned counsel for the petitioners and perused the impugned order.

(4) After hearing learned counsel for the petitioner and after going through the application under Order 6 Rule 17 of CPC for amendment in the claim application, I deem it expedient to allow the amendment application as amendment proposed are formal in nature and set-aside the impugned order. However, the respondents are at liberty to move an application for modification of the order, if they are aggrieved.

(5) With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-