

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

Date of Order: September 10, 2018

+ **CM(M) 603/2018 & C.M. 21182/2018**

NAZRUDDIN

..... Petitioner

Through: Mr. Sunil Kumar, Advocate

Versus

NATIONAL INSURANCE CO LTD.

..... Respondent

Through: Mr. Pankaj Seth, Advocate

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Impugned order of 15th December, 2017 (*Annexure P-1*) notes petitioner's submission that he wants to amend the written statement to incorporate the fact that the driver of the vehicle in question came to meet him and showed his license and thereafter only, he had employed the driver.

Counsel for petitioner submits that permission was sought from the learned Motor Accident Claims Tribunal (*henceforth referred to as the 'Tribunal'*) to file an application for amendment of the written statement already filed by petitioner and without giving an opportunity to file the application, the permission to file the amended reply has been declined by relying upon proviso under Order 6, Rule 17 of CPC.

In the facts and circumstances of this case, I find that the Tribunal

was not justified in declining the oral prayer made by petitioner to file the amended reply/ written statement and an opportunity ought to have been granted to him to file proper application.

Accordingly, impugned order of 15th December, 2017 (*Annexure P-1*) is modified to the extent that petitioner is permitted to file an application within a week for amendment of the reply/ written statement. The Tribunal shall upon receipt of such an application, deal with it in accordance with the law, while keeping in view that any observation in the impugned order in respect of amendment of the written statement/ reply by petitioner, will not be taken into consideration while deciding the said application.

With aforesaid directions, this petition and application are disposed of.

Dasti.

SEPTEMBER 10, 2018

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**(SUNIL GAUR)
JUDGE**