

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10676 OF 2019

United India Insurance Co.Ltd. ... Petitioner

V/s.

Mrs.Krishna Jaywant Dabhade and ors. ... Respondents

Mr.Amol Gatne for the Petitioner.

**CORAM : UJJAL BHUYAN, J.
DATE : OCTOBER 04, 2019.**

P.C.:-

1. Heard Mr. Amol Gatne, learned counsel for the petitioner.
2. This petition challenges order dated 16th August, 2019, passed by the Chairman, Motor Accident Claims Tribunal (MACT), Pune in M.A.C.P. No.527 of 2014.
3. Though not very relevant, it may be mentioned that in a motor vehicular accident which took place at around 3.30 a.m. on 23rd February, 2014 in a place on Bhakti Shakti Chowk, Nigdi, Pune, son of the petitioner sustained grievous injuries and ultimately expired. This

led to lodging of claim petition by the mother as the claimant. Petitioner i.e. the insurance company contested the claim petition by filing written statement. Thereafter, issues were framed and evidence adduced.

4. It was at that stage that petitioner filed an application for amendment of the written statement primarily contending that the offending vehicle was given on hire by the insured M/s Mahalaxmi Transport to PMPML which was done behind the back of the petitioner i.e. the insurance company. It was further contended that it was a case of contributory negligence on the part of the deceased, who it was alleged was under the influence of alcohol for which analysis of the viscera was necessary.

5. MACT noticed that the claim petition was pending for the last five years. It further noticed that issues were framed long back and already parties had led evidence. Therefore, the prayer for amendment was rejected.

6. The amendment sought to be introduced are already reflected in the written statement filed by the petitioner. By way of amendment, the above two issues

were sought to be highlighted more in detail. Therefore, court is of the view that rejection of the prayer for amendment by the MACT would in no way cause prejudice to the petitioner in the proceeding before the MACT. That apart, proceedings before MACT having a social objective, it is essential that such proceedings are decided and concluded expeditiously; technicalities should not come in the way for providing relief to the people who are in distress.

7. In the light of the discussions made above, court is of the view that the impugned order does not suffer from any error to warrant interference under Articles 226/227 of the Constitution of India.

8. Writ petition is dismissed.

(UJJAL BHUYAN, J.)

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