

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2634 OF 2017

Damyanti wd/o Hirachand Nikose
aged 54 years, Occupation Service,
R/O 90, Old Thawae Colony,
Indora Chowk, Jaripatka Nagpur

... Appellant

-vs-

Union of India Through its
General Manager, South East
Central Railway, Bilaspur, C.G.

... Respondent.

Shri R. S. Charpe, Advocate for appellant.
Shri N. P. Lambat, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.
DATE : March 27, 2019

P.C.

Rule heard finally with consent of learned counsel for the parties.

The petitioner who is the original claimant before the Railway Claims Tribunal has filed an application for grant of compensation on account of the death of her son.

2. During pendency of the proceedings an application for amending the claim petition was moved on the ground that certain documents relating to the deceased were found subsequently and therefore it was necessary to amend the claim petition. The said application was opposed by the respondent and by the impugned order the same came to be rejected.

3. Heard Shri R. S. Charpe, learned counsel for the appellant and Shri N. P. Lambat, learned counsel for the respondent. Though Shri N. P. Lambat,

learned counsel tried to support the impugned order the facts on record indicate that the amendment was found to be necessary as it was based on certain documents that were found subsequently. These documents were issued by the Railway Authorities who were contesting the claim petition. In the light of the fact that the prayer was for grant of compensation on account of an alleged untoward incident, it was necessary for the Claims Tribunal to have allowed the said amendment. The reasons assigned by the Claims Tribunal for refusing the said amendment do not appear to be justifiable. Same are based on the merits of the claim petition.

4. Hence the impugned order dated 06/01/2017 passed on the amendment application is set aside. The amendment application is allowed. It is open for the respondent to file consequential amendment to the amended pleadings. Needless to state that claim petition be adjudicated on its own merits without being influenced by any observations made in this order.

Writ Petition is allowed with no order as to costs.

JUDGE