

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5234 OF 2019

(THE NEW INDIA ASSURANCE CO. LTD....VS.. SMT. SUMAN VITHAL SHEDMAKE & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Ashish W. Paunikar, Advocate for Petitioner.

CORAM : Z.A.HAQ, J.

DATED : JULY 29, 2019.

Heard.

By the impugned order, Motor Accident Claims Tribunal has rejected the application filed by the petitioner (Insurance Company) seeking permission to amend the written statement. In the written statement, the Insurance Company has not disputed that the side truck which was attached to the truck involved in the accident was insured with it at the relevant time. By the proposed amendment, the Insurance Company seeks permission to withdraw the admission and to contend that the side truck was not insured with it at the relevant time. The Tribunal has rightly dismissed the amendment application observing that the Insurance Company cannot be permitted to withdraw the admission given by it in the written statement.

The impugned order is perfectly right and there is no scope for interference with it.

Hence, the writ petition is **dismissed**. No costs.

JUDGE