

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (227) No. 40 of 2021

1. Raju Ram, S/o Shri Ram Singh, Aged About 26 Years, Occupation- Meson, R/o Atal Niwas, Baghalpur, Ward No. 18, Tahsil & District- Jashpur (C.G.)
2. Smt. Itwari Bai, W/o Shri Ram Singh, Aged About 55 Years, R/o Village- Dhuri Amba, Tahsil- Duldula, District- Jashpur (C.G.)

--- Petitioners

Versus

1. Sudharshan Ram Nayak, S/o Nehru Ram Nayak, Aged About 34 Years, R/o House of Tirthu Ram, Madhuban Toli, Jashpur, District- Jashpur (C.G.)
2. ICICI Lombard General Insurance Co. Ltd., R/o Ground Flore, Commercial Building, Devendra Nagar, Raipur, District- Raipur (C.G.)

--- Respondents

For Petitioners : Mr. Rishikant Mahobia, Advocate
on behalf of Mr. A.K. Prasad, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28/01/2021

1. This writ petition has been brought under Article 227 of the Constitution of India, being aggrieved by the order dated 10.12.2020 passed by learned Additional Motor Accident Claims Tribunal, Jashpur (C.G.) in MACC No. 26/2019, dismissing the application filed by the petitioners under Order 6 Rule 17 of the C.P.C.

2. The petitioners have filed a claim case under Section 163 (A) of the Motor Vehicles Act, 1988, in which, it was earlier pleaded that Krishna Ram was driving the motorcycle, in which, Dubeshwar Ras was pillion rider, they met with an accident and as result of which, they suffered injuries and Krishna Ram expired. An application has been brought for amendment to that effect that Dubeshwar Ram was driver of the said motorcycle. This application has been rejected by the impugned order.
3. Considered on the submissions. The prayer for amendment, if allowed, it will suddenly change the nature of the earlier pleading, which have been made by the petitioners in the claim case. Therefore, I do not find any error in the impugned order. Hence, I am of this view that this writ petition is liable to be dismissed.
4. Accordingly, this writ petition is dismissed and disposed of at motion stage itself.

Sd/-
(Rajendra Chandra Singh Samant)
Judge