



WEB COPY

P.T.ASHA, J.,

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C.M.P.No.8356 of 2020
in
CMA.SR.No.1747 of 2020



The above application is filed seeking permission to amend the Serial No.21-A of the claim petition in M.C.O.P.752 of 2014 to enhance the compensation claimed from Rs.5,00,000/- to a sum of Rs.10,00,000/-.

2. The 2nd respondent/ insurance company has filed a counter in which they had contended that it amounts to changing the very nature of the claim.

3. A perusal of the reasons given in the affidavit for the said enhancement is that the subsequent catena of decisions have evolved and enhanced the compensation regime in keeping with the beneficial object of the Act. The various judgments have modified the notional income/formula for calculating the compensation under the head of disability which would be to the benefit of the claimants and therefore the petitioner has come forward with the above amendment petition.

4. Heard the learned counsel of both sides.



5. The petitioners have set out the reasons for seeking this amendment as one which has been necessitated by reason of the march of law in the case of tortious liabilities. The various judicial pronouncement leans towards a more liberal and better compensation which was not known to the petitioners at the time of their initial filing of the claim petition. They would therefore submit that they must not be deprived of the above by reason of their claim being restricted to a sum of Rs.5,00,000/-.

5. Another factor which has to be taken note of is that the claimants had filed an appeal and the insurance company has not challenged the same. Taking into account the reasons given, adduced, and argued and also considering the overall trend in compensating victims well, I am of the view that the petition has to be allowed. However, it is made clear that with reference to any amount over and above the original claimed amount of Rs.5,00,000/- interest would be payable only from the date on which the petition for amendment has been filed (filing of CMP No.8356 of 2020).

20.07.2022

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