

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**115****CR-3298-2023 (O&M)****Date of decision: 26.05.2023****Sukhbir Singh @ Sukhveer Singh Sidhu****...Petitioner(s)****Vs.****Lakhwinder Singh & Another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present Revision Petition has been filed against order dated 13.03.2023 (Annexure P1) passed by Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as "the learned Tribunal") whereby application filed by the claimant/respondent No.1 herein, under Order 6 Rule 17 Code of Civil Procedure, 1908 (hereinafter referred to as "CPC") for amendment of his claim petition, has been allowed. Petitioner before this Court is the driver of motorcycle bearing registration No.PB-03J-2092 (hereinafter referred to as 'the offending vehicle').

2. It is submitted by learned counsel for the petitioner that the impugned order is unsustainable as in the claim petition bearing No.MACP 20 of 2017, number of the offending motorcycle has been mentioned as PB-03-2092. It is submitted that by way of present amendment, the respondent No.1 has been permitted to change number of

the offending motorcycle in the claim petition to PB-03J-2092. It is submitted that grave prejudice and injustice would be caused to the petitioner if the present amendment is allowed as, the application for amendment has been filed on 13.03.2023 i.e. at a most belated stage after six years of filing of the claim petition. It is submitted that the amendment application has been filed when the evidence of parties was nearing completion and case is at its fag end. It is further submitted that the petitioner has not even been granted an opportunity to file reply to respondent No.1's application for amendment. It is submitted that therefore, the learned Tribunal is in grave error in allowing amendment of claim petition vide impugned order.

3. No other argument is raised on behalf of the petitioner.

4. I have heard learned counsel for the petitioner.

5. Perusal of record of the case shows that claimant/respondent No.1 had filed claim petition seeking compensation on account of injuries suffered by him in a motor vehicular accident that took place on 09.07.2016, allegedly caused due to rash and negligent driving of the offending motorcycle by the petitioner. Admittedly, in pursuance to the said accident, FIR No.149 dated 13.07.2016 was registered against respondent No.1 on the basis of statement of the claimant/respondent no.1 herein. Admittedly too, in the FIR, the number of offending motorcycle has been correctly mentioned as PB-03J-2092.

6. It has further come on record that after undergoing trial the petitioner has been acquitted in the said case vide judgment of acquittal dated 27.07.2018 (Annexure P5). Perusal of judgment of acquittal (Annexure P5) reveals that number of offending motorcycle has been correctly mentioned therein also, as PB-03J-2092.

7. Perusal of amendment application (Annexure P-4) filed by respondent No.1/claimant under Order 6 Rule 17 CPC reveals that the applicant/respondent No.1 has stated therein that number of the offending motorcycle has been incorrectly mentioned in the claim petition as PB-03-2092 and not as PB-03J-2092, due to typographical error. In my view, narration of the above facts shows that incorrect mentioning of number of offending motorcycle in the claim petition as PB-03-2092 is only an inadvertent typographical error and nothing more. FIR registered on the basis of the statement of the respondent No.1 also bears the correct number of the offending motorcycle as PB-03J-2092.

8. Accordingly, in my view, the impugned order suffers from no error whatsoever. However, surely some hardship and inconvenience would have been caused to the petitioner due to the belated filing of the amendment application, which can be suitably recompensed by payment of adequate costs. Present petition is therefore, being disposed of without issuance of notice of motion as that will only further delay the matter, however, with the direction that respondent shall make payment of

Rs.5000/- as costs to the petitioner, within six weeks from date of passing of this order.

9. Revision petition stands **dismissed** on merits; however disposed of with above direction.

10. Pending application(s) if any also stand(s) disposed of.

26.05.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No