

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3571 OF 2024

VAIBHAV
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ICICI Lombard General Insurance Co.
Ltd.

... Petitioner

V/s.

Aditya Balasaheb Patil & Anr.

... Respondents

Mr. Devendranath S. Joshi for the petitioner.

Mr. Satish B. Talekar i/by Talekar & Associates for
respondent No.1.

Mr. Vaibhav V. Ugle for respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : MARCH 11, 2024

PC.:

1. By the impugned order, the Motor Accident Claims Tribunal, Pune has rejected application for amendment of written statement relying on judgment of the Apex Court in the case of **Vidyabai & Ors. vs. Padmalatha & Anr.** reported in (2009) 2 SCC 409.

2. Considering the text of proposed amendment, in my opinion, the petitioner by proposed amendment is requesting to draw an inference based on the material on record. The petitioner essentially wants to incorporate plea of suppression of material. Such inference is inference of law for that purpose statement of fact need not be incorporated in the written statement. It is always

open for a party to raise an inference of law even if such plea is not raised in the written statement; therefore, the validity of the impugned order need not be considered.

3. It is made clear that it is open for the petitioner if permissible in law to urge the question of suppression if such inference is permissible in law.

4. The writ petition stands disposed of. No costs.

5. The Tribunal shall decide the claim as expeditiously as possible.

(AMIT BORKAR, J.)