



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO.13411 OF 2025

Maharashtra State Road Transport Corporation Through
Divisional Controller,

VERSUS

Kantabai Namdev Divekar

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Advocate for Petitioner : Mr. S.N. Janakwade

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 24, 2026

ORDER :-

1. Present writ petition takes exception to the order dated 31.7.2025 passed below Exhibit-28 in M.A.C.P No.1039 of 2023 pending before the M.A.C.T., at Aurangabad, thereby allowing application for amendment filed by respondent/ original claimant.

2. The respondent instituted M.A.C.P. No.1039 of 2023 seeking compensation under the provisions of Motor Vehicles Act, 1988 towards accidental death of her husband Namdev Kesu Divekar. It is her contention that while he was travelling on motorcycle, S.T. Bus gave dash to the motorcycle. Eventually, deceased suffered fatal injuries. It appears that, while recording of evidence was started, respondent filed an

application below Exhibit-28 seeking amendment of claim petition stating that she wants to convert the claim petition from section 166 to 164 of the Motor Vehicles Act and also delete incorrect registration number of the offending vehicle and insert correct number thereof. The Tribunal allowed said application vide impugned order subject to payment of costs of Rs. 5,000/-.

3. Learned advocate appearing for petitioner raises two fold challenge to the impugned order. Firstly, he contends that application for amendment was filed at belated stage and permission is sought to change registration number of the offending vehicle. Secondly, the claim is sought to be converted from section 166 of the M.V. Act to claim under section 164 of the MV Act, which would cause substantial change in the nature of the claim.

4. Having considered submissions advanced, it can be observed that respondent had filed claim on the basis of registration of number as it was appearing in the police papers. FIR was registered on the basis of hear-say information given by one Satish Namdev Divekar. As such, there was mistake in

recording of registration number as 'MH-20/BL-1566' instead of 'MH-20/BL-1560.' The applicant seeks to correct that error.

5. So far as second contention that there would be substantial change in the nature of claim, this Court finds that proceeding for compensation under Motor Vehicles Act is part of beneficial legislation. If the claimant is entitled to raise claim under any of the enabling provisions, he cannot be prevented for the technical reasons. Although amendment is sought at belated stage, it would cause no prejudice to the petitioner. Petitioner is entitled to cross-examine the claimant or her witnesses during course of the trial. In result, this court do not find any reason to interfere in the impugned order. Hence, writ petition stands **rejected**.

(S. G. CHAPALGAONKAR, J.)

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