IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1470 OF 2026

Reliance General Ins.Co. Ltd. Through Branch Manager,
Branch Office at First Floor, Above MRF Showroom,
Arcade Building, Near Akola Central Jail, Alsi Plots,
Akola, Taluka and District Akola. **PETITIONER**

VERSUS

1. Sandhya Sanjay Lodam, Aged 51 years, Occ: Household Work.
2. Aditya Sanjay Lodam, Aged 25 years, Occ:Education.
3. Dadarao Manikrao Lodam, Aged 86 years, Occ: Nil.
4. Shashikala Dadarao Lodam, Aged 80 years, Occ: Nil.

All R/o 'Sant Krupa', Ring Road, Samanta Colony, Sant Tukaram Chowk, Akola, Taluka and District Akola.

Corrected as per Hon'ble Court's order dated 05.05.2026.

5. Rameshwar Eknath Dhokne, Aged 54 yrs, Occ: Driver, R/o Sangavi Khurd, Tahsil and District Akola.
6. Chetan Prakash Ghive, Aged: Adult, Occ:Transporting, R/o At Post, Warvat Bakal, Taluka Sangrampur, District Buldana. **RESPONDENTS**

Shri Amit M. Kukday, counsel for the petitioner.
Shri P.S. Girdekar, counsel for the respondents.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : APRIL 20, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. This is a petition by the Insurance Company challenging the order passed by the Motor Accident Claims Tribunal rejecting the application for amendment of the written statement by which the Insurance Company had proposed to add certain contentions and defence about the Insurance Policy being fake and fabricated. The application is rejected by the Tribunal by primarily considering the stage of the petition at which the application was filed.

3. The respondent nos.1 to 4 have filed a claim petition before the Motor Accident Claims Tribunal, Akola seeking compensation of Rs.1,50,00,000/- on account of death of the insured Sanjay Dadarao Lodam. The Insurance Company has appeared in the claim petition and filed its written statement and the matter proceeded at the stage of evidence. At the stage of evidence of the Insurance Company, an application for amendment of the written statement came to be filed by it seeking to add contentions about the insurance policy being fake and fabricated. By order dated 22.01.2026, the application came to be rejected and the Insurance Company has challenged the said order by way of instant petition.

4. By opposing the petition, the learned counsel for the respondent nos.1 to 4 primarily submitted that the application deserved to be rejected since it was filed by the Insurance Company without demonstrating due diligence on its part. He submitted that the contentions about the policy being fake and fabricated were not at all raised by the Insurance Company before the evidence was led, although the Insurance Company had in 2023 itself exchanged certain communications in that regard. He thus submitted that there is no justifiable reason for filing the application at the stage of evidence and it deserved to be rejected. By relying on the proviso to Order VI Rule 17 of the Code of Civil Procedure, 1908 and the judgment of this Court in ***Mangala Versus Ashok & Others*** [**MANU/MH/3342/2025**], he submitted that in absence of due diligence being shown by the Insurance Company, the amendment of written statement is not permissible and it is rightly rejected.

5. It has to be noted that the Insurance Company has already filed the written statement wherein there are pleadings about denial of existence and validity of the insurance policy.

6. The learned counsel for the Insurance Company pointed out that the claimants have filed a photo copy of the insurance policy which is exhibited by the Tribunal and by inviting attention to a certificate dated 30.11.2023 issued by the Officer of Insurance Company, he submitted that there is no insurance policy on their record mentioning the Policy Number, Cover Note Number, Vehicle Number and Engine and Chasis Number and thus the policy is fake and fabricated. He submitted that by pointing out these aspects the application for amendment was filed. He also submitted that the respondent nos.1 to 4-original claimants would not be put to any prejudice since their entitlement to receive the amount of compensation would be independently decided either against the Insurance Company or against the owner of the vehicle in question. In support of his submissions, he placed reliance on the judgment of the Coordinate Bench of this Court in ***The Oriental Insurance Co.Ltd. Versus Surekha Sudhakarrao Thigale & Others*** **[Writ Petition no.11956 of 2022]**, decided on 21.04.2023.

7. While considering the rival contentions, it has to be noted that the application for amendment is filed on the basis of specific contentions of the Insurance Company that there is no record about the said insurance policy. It is also pointed out that there are pleadings about denial of very existence and validity of the said insurance policy. Further, it appears that

the Insurance Company is raising a defence by way of proposed amendment which is based on certain contentions which need to be tested during adjudication of the claim petition. Further, the entitlement of the original claimants for the compensation will not be disturbed directly, by allowing the application for amendment. In view of the contents of the application for amendment and the contentions canvassed, it appears that the proposed amendment is necessary for allowing the Insurance Company to set up its defence. Although the application for amendment is filed after the evidence has commenced, considering the nature of amendment, it needs to be allowed to enable the Insurance Company to raise a defence.

8. It has also to be noted that the claim raised by the original claimants is for an amount of Rs.1,50,00,000/- and in support of their claim they have filed only a photo copy of the insurance policy, which is also exhibited by the Tribunal. As such, denying an opportunity to the Insurance Company to raise pleadings about genuineness of the insurance policy would amount to denial of an opportunity to contest the claim petition on merits. Apart from this, it appears that the proposed amendment is necessary for the purpose of defence of the Insurance Company. True it is, the application is filed at the stage of evidence of the respondents, the hardship likely to be caused to the original claimants can be compensated by awarding costs.

9. The position of law with respect to the requirement to show due diligence is not disputed. However, considering the nature of the

proposed amendment and requirement to afford a reasonable opportunity to the Insurance Company to raise a defence, the application needs to be allowed. As such, the reliance placed on the judgment in ***The Oriental Insurance Co.Ltd.*** (supra) by the petitioner appears to be appropriate.

10. Having regard to the controversy involved, in the interest of justice, the Insurance Company needs to be granted an opportunity to set up its defence by allowing the application for amendment of the written statement. Hence, the following order is passed:-

I. The writ petition is allowed.

II. The order dated 22.01.2026 passed by the Claims Tribunal below Exhibit 46 in M.A.C.P. no.132 of 2022 is quashed and set aside.

III. The application for amendment of the written statement filed by the Insurance Company at Exhibit 46 is allowed subject to costs of Rs.25,000/- (Rupees Twenty Five Thousand) to be paid by the Insurance Company to the respondents herein, i.e. the original claimants before the Tribunal within a period of three weeks from today.

11. Rule is made absolute in aforesaid terms.

(PRAFULLA S. KHUBALKAR, J.)

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