

SUPREME COURT OF INDIA

Anand Kumar Jain

Vs.

Union of India

C.A.No.3135 of 1985

(P. N. Bhagwati, C.J.I. and Amarendra Nath Sen, J.)

29.07.1985

ORDER

1. Leave granted.

2. This is a fit case in which the amendment prayed for by the appellant should have been allowed. The appellant merely wanted enhancement of the original claim of Rs. 40,000/- to Rs. 3 lakhs on the ground that permanent disability to the extent of 50% was discovered after he had filed his original claim. There is no reason why this amendment should not be granted. We therefore, allow the appeal, set aside the order passed by the High Court as also the order passed by the Motor Accident Claims Tribunal and allow the application of the appellant to amend the claim petition, as prayed for by him. The amendment will be carried out by the appellant within 6 weeks from the date of receipt of the copy of this order by the Motor Accident Claims Tribunal. The respondents will file their supplementary written statement, if any, within 2 weeks from the date when the amendment is carried out. There will be no order as to costs.

Appeal allowed.

