

ORDERS ON I.A. No.1
Under Order 1 Rule 10 (2) R/w Section 151 CPC

The instant application is filed by the respondent no.2 Under Order 1 Rule 10 (2) R/w Section 151 CPC with a prayer to delete / strike out it in the above petition.

2. In the Memorandum of facts, Counsel for the respondent no.2 has stated that, petitioner has filed this petition for claiming compensation for the injuries sustained by him in the R.T.A. occurred on 03-01-2024. The petitioner has falsely and deliberately impleaded the respondent no.2 as a party to the proceedings. This respondent no.2 i.e., Reliance Gen. Ins. Co. ltd., was issued insurance policy number mentioned in the cause title only stand alone own damage cover for motor car and the third party risk is not covered under the policy. As per the records, the third party risk coverage policy was issued by the ICICI Lombard Gen. Insurance Co. ltd., vide policy No.3001/M1-11568170/00/000 valid from 19-11-2022 to 18-11-2025, which was in force as on the date of alleged accident. Therefore, it is not a proper and necessary party to the petition. Hence, prays to allow the application.

3. The petitioner has not opposed this application.

4. Heard on application from both the side and perused the materials available on record.

5. The petitioner has filed this petition against respondents for claiming compensation due to injuries sustained in the R.T.A. The applicant/respondent no.2 came up with this application and prays to delete it from the petition on the ground that, it has issued only stand alone own damage cover policy for motor Car and third party risk is not covered under it. The third party insurance coverage policy was issued by the ICICI Lombard Gen. Insurance Co. ltd., vide

policy No.3001/M1-11568170/00/000 valid from 19-11-2022 to 18-11-2025 which was in force as on the date of alleged accident. The learned counsel for petitioner has also admitted that respondent no.3 was issued insurance policy in respect of vehicle of respondent no.1 which covers third party risk. Further, ICICI Lombard general insurance company ltd., is already added as respondent no.3. Therefore, the present respondent no.2 is not necessary and proper party to the petition for adjudication of the issues involved in the matter. Accordingly I proceed to pass the following:

ORDER

I.A.No.1 filed by the respondent No.2 under order 1 Rule 10(2) R/w Sec.151 of CPC is hereby allowed.

The respondent no.2 is deleted from petition.

The petitioner is directed to amend the petition and file amended petition.

For amended and amended petition.
Call on **15.04.2025**

(DHANESH MUGALI)
III ADDL.SMALL CAUSES JUDGE,
MEMBER MACT & ACJM,
BENGALURU.