

ORDER ON I.A. No.II

1. The instant application has been filed by the petitioner under Order I Rule 10(2) of the Code of Civil Procedure seeking to implead the proposed respondent no.2 and 3 in the petition.

2. The learned Counsels for the proposed respondent no.2 and 3 have appeared but they have not filed the objections to the said application. Hence, their objections to the said application are taken as not filed which is evident in the order sheet dated 09/11/2023.

3. I have heard the learned Counsel for the petitioner. The proposed respondent no.2 and 3 have not filed the objections to the said application. Hence, their arguments is taken as not addressed which is evident in the order sheet dated 12/01/2024.

4. After perusal of the records of the case, the following point would emerge for my consideration:

1. Whether the proposed respondent no.2 and 3 are the proper and necessary parties?

2. To what order?

5. My findings to the above points are as under:

Point No.1: In the Affirmative

Point No.2: As per final order for the following:

REASONS

6 **Point No.1:** In an affidavit appended to the application, it is contended by the petitioner that he has filed this petition against the respondent for claiming the compensation for rash and negligent driving of the motor cycle bearing no.KA28-EQ-1045 and at the time of the accident, the respondent no.1 was riding the vehicle but the proposed respondent no.3 was registered owner and

he is having valid insurance over the vehicle involved in the accident and the proposed respondent no.2 is the Insurer of this vehicle and if this application is not allowed he will be put to untold hardship which cannot be compensated in terms of money and accordingly, among other grounds he prays to allow the application.

7. In view of the contentions put forth by the learned Counsel for the petitioner, now, let me see as to whether the presence of proposed respondent no.2 and 3 are necessary for the just adjudication of the case. It is pertinent to note that the two wheeler involved in the accident is KA 28/EQ-1045 and the proposed respondent no.3 is the owner of the vehicle and the proposed respondent no.2 is the Insurer of this vehicle. Hence, it is necessary to implead the Insurer of the two wheeler bearing no.KA28/EQ-1045. The proposed respondent no.2 and 3 are the necessary and proper parties and without them the award cannot be passed in this petition. If the proposed respondent no.2 and 3 are not impleaded the petitioner will be put to untold hardship and which cannot be compensated in terms of money. Therefore, the presence of proposed respondent no.2 and 3 are necessary for the just adjudication of the case. Accordingly, I answer this point in the Affirmative.

8. **Point No.2:** In view of my discussion made supra, I proceed to pass the following:

ORDER

I.A.No. II filed by the petitioner under Order I Rule 10 of Code of Civil Procedure is hereby allowed.

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

(Hanamantarao R.Kulkarni)
Senior Civil Judge and JMFC.,
Hunagund.