

### **ORDER ON IA NO.III**

The instant application is filed by the Learned Counsel for DHR under Order I Rule 10 R/w Sec. 151 of CPC with a prayer to permit him to implead the proposed Insurance Company as JDR No.2 and to proceed with.

In pursuance of service of notice on IA No.III to the proposed JDR, it appeared before the Court through its counsel, but, did not choose to file objection to IA No.III. Hence, objection to IA No.III taken as not filed.

Heard. Perused the IA, Affidavit and the materials available on record.

The present application is filed by the Learned Counsel for DHR with a prayer to permit him to implead the proposed JDR as JDR No.2 in this Petition.

This application is accompanied with an affidavit of the DHR stating that the

present JDR has filed its notes of arguments and in the said notes of arguments suggested to implead the Oriental Insurance Company in this case. Hence, he is going to implead the said Insurance Company as JDR No.2 and if he is not permitted to implead the proposed Insurance Company, then, he will be put to great hardship. On these grounds, he has prayed to allow the application.

I have gone through the materials available on record. The present Execution Petition is filed by the Petitioner against the JDR for the recovery of money as per the order in WCA ( F) 25/2002. The Learned Counsel for DHR has also produced the copy of Order passed in MFA No.4324 of 2013 (WC) passed by the Hon'ble High Court of Karnataka dtd: 23.09.2022. I have gone through the said order, wherein, the Hon'ble High Court of Karnataka has pleased to observed that the 1<sup>st</sup> Respondent

had taken out the Insurance Policy to cover the liability under the Employees Compensation Act in respect of one Clerical Staff and also one Field Labourer Supervisor and 40 other laborers. Since, the policy is applicable to all 40 laborers working in the estate of the 1<sup>st</sup> Respondent, the insurer, as a consequence, would be liable to indemnify the 1<sup>st</sup> Respondent and pay the compensation. Further it has pleased to observed that the insurer shall pay to the claimant a sum of Rs.1,84,172/- together with interest at 12% per annum from the expiry of one month from the date of accident as already determined by the Commissioner. So, in the said MFA, the JDR No.1 of this present Execution Petition was shown as Respondent No.1 and the Manager of the Oriental Insurance Company Limited was shown as Respondent No.2.

The Learned Counsel for proposed JDR has filed memo with net copy of case status in Revision Petition No.385/2024 on the file of Hon'ble High Court of Karnataka. But, said copy shows the date: 12.02.2025. No stay order has been granted in the said Revision Petition as per case status. Moreover, the Learned Counsel for proposed JDR has not furnished any stay order in the said Revision Petition nor he has furnished any further case status. Hence, at this juncture, as per the order passed in MFA No.4324 of 2013 by the Hon'ble High Court of Karnataka, it would be proper to implead the proposed JDR as JDR No.2 subject to the final order passed in Revision Petition No.385/2024. Accordingly, I proceed to pass the following:

**ORDER**

I.A.No.III filed by the Learned Counsel for DHR under Order I Rule 10 of CPC is hereby allowed.

Learned Counsel for DHR is permitted to implead the proposed JDR as JDR No.2 in this Petition subject to the final order passed in Revision Petition No.385/2024.

To carry out amendment and to file amended Execution Petition.

Sd/-

Prl. Senior Civil Judge & CJM,  
Chikkamagaluru.