



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC
AT N.R.PURA**

Present: Sri Raghunatha Gowda K.T., B.Com.,L.L.B, Senior
Civil Judge & JMFC., N.R.Pura

Dated this the 6th day of October, 2025

MVC No.486/2024

BETWEEN:

Kum. Dhvani M.D.,
D/o. Darmapala M.K.,
aged about 9 years, Student,
Since Minor by his father & natural
Guardian Sri. Darmapala M.K.,
S/o. Kodandamurthy,
R/o. Kalikambha, Muduguni Village,
Balehonnur Post, N.R.Pura Taluk,
Chikmagalur District.

...Petitioner.

(Represented by Sri H.H.K., Advocate)

V/s.

AND:

1. Sri. Tarun H.R., S/o. Ratnakara,
aged about 19 years, Driver cum
Owner of Motor Bike,
Bearing No.KA.01 – JG.1814,
R/o. Kicchabbi, Megaramakki Village,
N.R. Taluk, Chikmagalur District.
2. M/s. Aditya Birla Insurance Brokers
(Earlier known as Aditya Birla Insurance
advisory & Broking Service, No.100,



Railway Parallel Road, Kumar Park West,
Sheshadripuram, Bengaluru – 560 020.

...Respondents.

(Respondent No.1 by Sri K.J.P., Advocate, Respondent No.2 by
Sri P.C.N., Advocate.)

I.A. NO.III

BETWEEN:

Kum. Dhvani

...Applicant/petitioner

V/s.

Smt. Sowmya H.A.,

...Opponent/Respondent

ORDERS ON I.A. No.III

The Respondent No-2 counsel filed this I.A. No.III under order 1 Rule 10(2) of C.P.C. seeking order to delete the respondent No.2 in this petition.

2. It is stated in the affidavit of Chief Compliance and Risk Officer Edme Insurance Brokers Private Limited. Further he contended that the respondent No.2 is not an Insurance Company and has not issued any insurance policy to any person, the respondent No.2 is a



composite insurance broker in the business of providing insurance and re-insurance broking service and risk management services in pursuant to licence issued by IRDAI. Further he contended that the petitioner is not impleaded the Insurance Company i.e., liberty general insurance company issued a policy the vehicle belongs to the respondent No.1. Further he contended that he is not necessary party to this petition. Hence he prays to delete the name of respondent No.2 in the petition. Hence, he prays to allow this application.

3. Per contra, petitioner counsel filed objection to said application contended that the application filed by the respondent No.2 is not maintainable either in law or facts. Further he contented that the respondent No.2 has not produced any document. Further he contended that there is no valid reasons to allow this application. Hence he prays to reject the said application.

4. Heard learned counsel for petitioner and respondent No.2 and perused the materials on record.



5. The following point arises for my consideration:

- 1) Whether the application filed by the respondent No.2 deserves to be allowed?
- 2) If so, what order?

6. My answer to the above points are as follows :

Point No. 1 : **In the Affirmative.**

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

REASONS

7. **Point No.1** :- The petitioner filed this claim petition seeking compensation in road traffic accident occurred on 10.03.2023 at about 4-40 PM against respondents. Further on perusal of the record, the respondent No.2 produce the xerox copy of the insurance policy with respect to vehicle belongs to respondent No.1. It discloses that the Liberty General Insurance Ltd., issued a policy and the respondent No.2 is the agent name. Further at the time of accident the respondent



No.1 vehicle obtain the policy from Liberty General Insurance and not from the respondent No.2.

8. Further on perusal of the record the respondent No.2 keep only agent and the Liberty General Insurance Company is necessary party to the petition. Further the liberty given to the petitioner to impleaded the Liberty General Insurance has a party to this petition. Further the respondent No.2 is not proper and necessary party to adjudicate the claim petition. Hence for the above said reason my answered to point No.1 in the **Affirmative**.

9. **Point No.2** :- In view of my findings on Point No.1, I proceed to pass the following :-

ORDER

I.A. No.III filed by the respondent No.2 under order 1 Rule 10(2) of C.P.C. is hereby allowed and permitted to delete the name of respondent No.2 in the cause title of the petition.



The liberty given to the petitioner to implead the Liberty General Insurance as necessary party to this petition.

The petitioner is permitted to amend the petition and also furnish the amended petition.

(Dictated to the stenographer directly on computer, corrected by me and then pronounced in open court on this **6th day of October, 2025**)

Sd/-
(Raghunatha Gowda K.T.)
Senior Civil Judge & JMFC.,
N.R.Pura.