

KACM510003982023



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND
M.A.C.T AT N.R.PURA**

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

Dated this the 27th day of January, 2026

M.V.C. No.360/2023

BETWEEN:

1. Smt. N.G. Bharathi,
W/o. Late. A.R. Umesh,
Aged about 60 years,
House wife,
R/o. Ward No.9, Kammigala Beedi,
Agrahaa, Narasimharajaprua Taluk.
2. Smt. Mangala Gowri A.U.,
D/o. Late. A.R. Umesh,
Aged about 34 years,
R/o. # 2278, MIG, 3rd Phase,
KHB, 60 feet Road, 16th B Cross,
Yelahanka New town, Bangalore-64.
3. Sri. Vallisha A.U.,
S/o. Late A.R. Umesh,
Aged about 32 years,
R/o. Ward No.9, Kammigala Beedi,
Agrahaa, Narasimharajaprua Taluk.

...Petitioner.

(Represented by Sri. B.C.V.S., Advocate)

V/s.

**AND:**

1. Sri. Abdan Nasser,
S/o. Abdul Munaaf,
Aged about 18 years, Student,
R/o Rajiva Nagara, 4th Cross,
N.R. Pura Town.

(Rider of the TVS Apache bike bearing registration No.KA.17 – V.7043, Engine No.oE6GG2122029 Chassis No.MD634KE64G2G54312)

2. Sri. Shashidhara H.N.,
S/o. Manjunath H.N.,
Aged about 37 years,
Business Man,
R/o. Haledoddi Road, Honnali Town,
Honnali Taluk, Davangere District.

...Respondents.

(Respondent No.1 by Sri. S.K., Advocate, Respondent No.2 by Sri. S.H., Advocate)

I.A. NO.IX**BETWEEN:**

Shashidhara H.N.,

...Applicant/Respondent No.2

V/s.

Smt. N.G. Bharathi and others,

...Opponent/petitioners



ORDERS ON I.A. No.IX

The Respondent No-2 counsel filed this I.A. No.IX under order 1 Rule 10(2) R/w. Sec.151 of C.P.C. seeking order to impleaded the proposed respondents as respondent No.3 to 5 in this petition.

2. It is stated in the affidavit of the respondent No.2 that he is the owner of the offending vehicle, during the Corona period, when he was in the house at that time his bike was stolen, so that reason he lodge a complaint before the Honnali Police in Cr. No.255/2021. Further he contended that against the proposed respondents the case was registered in N.R.Pura Police Station in Cr. No.74/2022 for offence punishable under section 279,304(A),201 and 202 of I.P.C. and Section 180 and 196 of I.M.V. Act and they are necessary parties to this petition for fix the liability. 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 petitioner filed this petition seeking compensation in the road traffic accident. Further the respondent No.2 is R.C. Owner of offending vehicle and there was only criminal liability on the proposed respondents. Hence he prays to reject the said application.

4. Respondent No.1 filed objection to the said application contended that the application filed by the respondent No.2 is not maintainable either in law or facts and there is no sufficient reason to allow the said application and respondent No.2 filed this application with an intention to prolong the matter. Hence he prays to reject the said application.

5. Heard learned counsel for petitioner and respondents and perused the materials on record.

6. The following point arises for my consideration:

- 1) Whether the application filed by the respondent No.2 deserves to be allowed or not?



2) If so, what order?

7. 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

8. **Point No.1** :- The petitioners are filed this claim petition seeking compensation in road traffic accident occurred on 24.06.2022 at about 8-45 PM against the respondents. Further on perusal of the record as per Ex. P10 it discloses that the proposed respondents are stolen the bike belongs to respondent No.2 and the respondent No.1 given the vehicle to juvenile and he dashed against the deceased Umesh and the case registered against all these persons. Further in the charge sheet the proposed respondents name are mentioned and at column No.17 the police mentioned the note that the vehicle was stolen and the case was registered before the Honnali Police Station in Cr. No.255/2021.



9. On perusal of entire records as well as objection statement of respondent No.2, he has specifically taken defence in the objection statement that his vehicle was stolen by thieves and the incident was occurred due to act of the proposed respondents the accident was occurred and they are liable to pay compensation to the petitioner. Further in order to proper adjudicate of the matter the proposed respondents are proper and necessary parties to this petition and if this application is allowed no loss or harm caused to the other side and this court is of considered opinion that, the proposed respondents are proper and necessary party to this petition. Accordingly aforesaid point for consideration is answered in the **Affirmative**.

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

ORDER

I.A. No.IX filed by the respondent No.2 under order 1 Rule 10(2) R/w, Sec-151 of C.P.C. is hereby



allowed. Consequently the proposed respondents to contest the petition as respondent No.3 to 5.

Directed the petitioner counsel to amend the petition and furnish amended petition.

(Dictated to the stenographer directly on computer, corrected by me and then pronounced in open court on this **27th day of January, 2026**)

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