

ORDER ON IA No.1

The Advocate for respondent No.2 has filed this application U/o.1 Rule 10(2) of C.P.C. for dismissing the petition against this respondent No.2. The Legal Manager of ICICI Gen. Ins Co. Ltd., has sworn affidavit stating that on 03.12.2023 at about 4-00 p.m. Fakrusab S/o. Ashpak Balaparavase was going on motor cycle bearing No.KA-63/2306 from Pale village towards Hubballi as a pillion rider. At that time the driver of the lorry bearing No.KA-25/AB-6633 caused accident and Fakrusab fell down and this respondent No.2 made a party in this petition. The said lorry was never insured with this respondent and insurance policy was not existed at the time of accident. Hence, court may strike out this respondent No.2 for improperly joined as party in this petition.

2. The counsel for petitioner has filed objection to the application contending that the respondent No.2 has received all the documents and not raised any objection that there is no insurance policy at the time of accident and already fully cross-examined the petitioner. This application is filed only to drag on the matter and harass the petitioner. The policy was enforced at the time of accident and same was valid. This

respondent insurance company set up to presumption mind with imaginary concept for escape from liability or to give compensation to the petitioner. Hence, prayed to reject the application.

3. Heard and perused the records.

4. The respondent No.2 has filed this application for deleting it from the petition. It has taken a contention that at the time of accident the policy was not in force. Hence, it is not necessary party in this proceeding. The respondent No.2 has produced the copy of insurance policy. I have perused the same. The date of policy was 03.12.2023 and time was 20:53:51 till 02.12.2024 and time was 23:59:59. The counsel for petitioner has also produced the attested copy of insurance policy of the vehicle bearing No.KA-25/AB-6633, which discloses that it is valid from 04.10.2023 till 03.10.2024. The accident was occurred on 03.12.2023 at about 2-00 p.m. Hence, as on the date of accident the insurance policy produced by the petitioner is valid. The respondent No.2 has not made out ground to delete it from the petition. Hence, the application filed by advocate for respondent No.2 U/o.1 Rule 10(2) of C.P.C. is hereby rejected.

Call on

Prl. Senior Civil Judge, Hubballi.