IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE, HUBBALLI

Present:
Sri. Yamanappa Karehanumanthappa,
Prl. Senior Civil Judge, Hubballi.

MVC No. 484/2021 and MVC No. 485/2021

Dated this the 13th day of February - 2026

Petitioner : Mahadevappa Irappa Sutagatti

.Vs.

Respondent : The New India Assurance Co. Ltd.

PARTIES TO IA

Applicant (respondent) : The New India Assurance Co. Ltd.

.Vs.

Opponents (petitioner) : Mahadevappa Irappa Sutagatti

ORDER ON IA

The Advocate for respondent No.2 has filed this application U/O. 1 Rule 10 of C.P.C to implead proposed respondent No.3 in the present petition.

2. In support of the application, the respondent No.2 has filed affidavit stating that, on the date of accident 28.05.2021 the vehicle bearing No. MH-12/KP-0942 was insured with Reliance General Insurance Company Ltd bearing policy No. 170122112348002183 valid from 15.03.2021 to 14.03.2022 Pune to be impleaded as

proposed respondent No.3 being a necessary party to determine the compensation and to indemnify petitioner as the said vehicle belong to the owner Prakash Rajaram Patil. The respondent has submitted the material and relevant facts by obtaining from RTO Pune. Hence, prays to allow the application.

3. The Advocate for petitioner has filed objection stating that, the application filed by respondent No.2 is not maintainable. The information mentioned in IA and affidavit are not true. The respondent No.2 is well known about the insurance policy at the time of accident was with them and it is a package policy valid on the date of accident. The driver of the insured vehicle has produced the insurance policy in the police station and hence, the respondent No.2 was impleaded in the petition. The respondent No.2 with an intention to harass the petitioner filed this application. Hence, prays to dismiss the application with heavy cost of ₹ 5,000/-.

4. The proposed respondent No.3 has filed objection denied the contents of affidavit and stated that, the present claim petition suffers from gross delay and laches. The alleged accident occurred on 28.05.2021 and the petition filed on November 2021 after delay of about 6 months and the application for impleading respondent No.3 has been filed after an inordinate delay of nearly five years. Such belated impleadment is highly arbitrary, illegal and

impermissible in law causing serious prejudice to respondent No.3. Neither the petitioner nor respondent No.2 has disclosed any justifiable reason for not impleading respondent No.3 at the initial stage despite the alleged existence of an insurance policy. Such suppression of material facts disentitles the petitioner to any relief against respondent No.3. Without admitting the existence, validity or coverage of any alleged insurance policy and without prejudice to the other objections raised herein. It is submitted that if at all respondent No.3 has been impleaded at a highly belated stage, and therefore, cannot be fastened with any liability to pay interest if any for the period prior to its impleadment.

5. I have heard both side on I.A. and perused the pleadings of the parties, I.A. The following points arise for my consideration:

1. Whether the applicant / respondent No. 2 has made out grounds to allow application filed U/O I Rule 10 of C.P.C to implead proposed respondent No.3 in the petition ?

2. What order?

6. My answer to the above points are as under.

Point No.1 : In the Affirmative.
Point No.2 : As per final order, for the following:

REASONS

7. **Point No.1**: This claim petition filed by petitioner U/Sec. 166 of MV Act claiming compensation on account of injury in RTA dated 28.05.2021 at about 1.30 pm. After lapse of 5 years the respondent No.2 has filed this application on the ground that, as on the date of accident, the insurance policy is in existence with proposed respondent No.3 company. Therefore, respondent No.3 is necessary party in the proceedings. The respondent No.3 has appeared and not disputed with regard to policy as on the date of accident, but he has disputed at belated stage after lapse of 5 years they are not liable to pay the interest. The petitioner also raised same point before this Court that, the respondent No.2 has not disclosed or stated with regard to insurance policy as on the date of accident in the company of respondent No.3. No doubt this Court will decide who are liable to pay the claim petition and interest. At this stage as on the date of accident, the insurance policy with respondent No.3 and respondent No.3 is necessary party in the proceedings. Therefore, the respondent No.2 has made out grounds to allow the application. Hence, I answer point No.1 in **Affirmative**.

8. **Point No.2**: In view of my answer to point No.1 as stated above, I proceed to pass the following;

ORDER

The I.A filed by the respondent No.2 U/O. 1 Rule 10 R/w Section 151 of C.P.C is hereby allowed.

The petitioner is permitted to implead respondent No.3 in the proceedings and submit amended petition.

Call on 24.02.2026.

(Dictated to the Stenographer directly on computer, computerized by her, script corrected directly on computer and then pronounced by me in the Open Court on this the **13th day of February – 2026**)

Sd/-

(Yamanappa Karehanumanthappa)
Prl. Senior Civil Judge, Hubballi.