KAHS010047312024

IN THE COURT OF IV ADDL DISTRICT AND SESSIONS JUDGE HASSAN SITTING AT CHANNARAYAPATNA

PRESENT

SMT. KALPANA M.S.
B.Sc., LL.M., PGDCLCF.,
IV Addl. District and Sessions Judge,
Hassan (Sit at Channarayapatna)

DATED 31st DAY OF OCTOBER 2025

M.V.C./1261/2024

Claimant	:	Sharadamma W/o Shivakumara Aged about 46 years, R/o Dodda Karadivu Village, Dandiganahalli Post & Hobli, Channarayapatna Taluk, Hassan District – 573 225. (By Sri. M.M., Advocate)
	V/s	
Respondents:	1.	Praveen B.S. S/o Shrinivasagowda B.T. R/o 1737, Gagana Nilaya, Ground floor, 22nd Cross, Roopanagar, Bogadi, Mysore – 570026. (Driver of car bearing Reg. No. KA-09-MG-0596)

2. Deepika C.A.
W/o Praveen B.S.
R/o 1737, Gagana Nilaya,
Ground floor, 2nd Cross,
Roopanagar, Bogadi,
Mysore – 570026.

(Owner of car bearing Reg. No. KA-09-MG-0596)

3. Divisional Manager
Liberty General Insurance
Company Limited, Diana
Complex, Shop No.23:E1,
1st floor, KEB Opposite,
Kuvempu Nagar,
Mysore – 570023.

(Insurer of car bearing Reg.No. KA-09-MG-0596)
Policy No.202550020423800066800000 Valid from 01.09.2023 till 31.08.2024
(R1 by Sri M.S.M., Advocate)
R2 by Sri M.L., Advocate)

ORDERS ON IA NO.IV

This application under Order I Rule 10(2) r/w/s.151 of Civil Procedure Code is filed by 3rd respondent to strike out the 3rd respondent from the proceedings since as on the date of accident there was no third party insurance to the offending vehicle in the interest of justice.

2. In the annexed affidavit, it is stated that the petitioner has filed this petition seeking compensation for the injuries suffered in the road traffic accident occurred on 25.10.2023 involving car bearing Reg.No.KA-09-MG-0596. The said car was insured only stand alone own damages policy with this respondent insurance company. However, it is seen from the police records and averments made in the petition that the accident was occurred on 25.10.2023. The said car was not insured with this respondent as on the date of accident. The above vehicle was insured with Reheza QBI General Insurance Company Limited. Therefore, this respondent company is not required to indemnify the first respondent in the above case and in the absence of contract of insurance between our company and the 2nd respondent, this company has nothing to do in the above claim proceedings. Hence, prayed to strike out the 3rd respondent from the proceedings.

3. Claimant has not filed objections.

4. Heard the learned counsel for respondent No.3. Perused the materials on record.

5. The points do arise for my determination are as under:

> 1. Whether grounds made out grounds to strike out respondent No.3 from this claim proceedings?
>
> 2. What order?

6. For the reasons stated hereinafter, my finding on the above points are as follows;

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

<u>REASONS</u>

7. **<u>Point No.1:</u>** This claim petition is filed by the claimant against respondent No.1 to 3 seeking compensation towards the injuries suffered in the road traffic accident. Respondent No.1 is the driver and respondent No.2 is the owner of the car involved in the accident. Respondent No.3 is the insurance company.

8. Respondent No.3 contends that the car bearing Registration No.KA-09-MG-0596 was insured with their company only for stand alone own damages. The above said vehicle was insured with Reheza QBE General Insurance Company Limited. Therefore the 3rd respondent is not necessary party to indemnify the owner of the vehicle for 3rd party risks.

9. This court has carefully perused the copy of the insurance policy produced along with charge sheet, it provides that the vehicle bearing Registration No.KA-09-MG-0596 belongs to Respondent No.1 is insured with Liberty General Insurance Limited, wherein it is further mentioned that existing 3rd party insurance policy issued by Reheza QBE General Insurance Company Limited is valid from 1st September 2021 to 31st August 2024. From this document, it is abaundantly clear that though insurance policy was issued for own damages from the 3rd respondent company, the third party risk coverage insurance is with the Reheza QBE General Insurance Company. Therefore, as rightly

contended, the respondent No.3 is not a proper and necessary party for this claim petition filed by the 3rd party seeking compensation. Accordingly, this point No.1 under consideration is answered in the **Affirmative**.

10. **POINT NO.2**: For the reasons discussed in the foregoing point, this court proceed to pass the following:

ORDER

I.A.No.IV under Order I Rule 10(2) r/w/s.151 of Code of Civil Procedure by the 3rd respondent is allowed.

The name of respondent No.3 is ordered to be strike out from this proceedings.

The claimant shall carry out amendment accordingly.

(Dictated to the Stenographer Grade-III, transcribed and computerized by her, then corrected, signed and pronounced by me in open court on this **31st** day of **October 2025**).

(Kalpana M.S.)
4th Additional District and
Sessions Judge, Hassan District.
At Channarayapatna.