

ORDER ON I.A.NO. II

The petitioner has filed I.A. No.II U/Order I Rule 10(2) R/W Section 151 of CPC with a prayer to implead the proposed respondent i.e., The Legal Claims Manager, SBI General Insurance Co. Ltd., 2nd Floor, Kalburgi Hallmark, Pinto road, Desai Cross, Deshpande Nagar, Hubli as respondent No.3 in the present petition.

2. The learned counsel for the petitioner has filed memo of facts stating that, the petitioner has filed the present petition seeking compensation for injuries sustained by him in the road traffic accident. That the alleged accident was caused due to the rash and negligent riding of rider of Motor Cycle bearing Reg. No. KA.68/K-8975 and the petitioner has made the owner and insurer of the offending Motor Cycle as respondent Nos.1 and 2. But the said motor cycle was insured with another insurance company under third party liability. Hence, the proposed respondent is a necessary party to the present petition. As such, it is just and necessary to implead the proposed respondent in the said petition to proper and effective adjudication of the petition and prays to allow the said application.

3 In spite of the notice, the proposed respondent remained absent. The respondent

Nos.1 and 2 have not filed any objection to the said application.

4. Heard both side.

5. The points that arise for my consideration are:

1. Whether the petitioner has made out sufficient grounds to allow the above application as sought for?

2. 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:** Initially, this petition is filed for seeking compensation for the injuries sustained by him in a road traffic accident. It is contended that, the accident was caused due to rash and negligent riding of rider of the Motor Cycle bearing Reg. No.KA.68/K-8975 and the petitioner has made the owner insurer of the offending Motor cycle as respondent Nos.1 and 2. The said motor cycle was insured with another insurance company under third party liability. As such, it is just and necessary to implead the proposed respondent as respondent No.3 who being the third party insurer of the offending vehicle in the present petition for effective adjudication of the matter. In view of the same, the proposed respondent is become necessary party in the

case and his presence is very much required to decide the case on merits. In view of the above, I am of the view that the application filed by the petitioner is deserves to be allowed. Hence I answer the above point No.1 in the Affirmative.

8. **POINT NO.2:** In view of my discussions in point No.1, I proceed pass the following:

ORDER

I.A.No.II filed by the petitioner U/Order 1 Rule 10(2) R/W Section 151 of CPC is hereby allowed.

The Legal Claims Manager, SBI General Insurance Co. Ltd., 2nd Floor, Kalburgi Hallmark, Pinto road, Desai Cross, Deshpande Nagar, Hubli impleaded as respondent No.3 in the present petition.

To amend the petition and to file the amended petition.

Call on: 26-12-2024.

2nd Addl. Sr.C. J & JMFC.,
Ranebennur.