

**ORDER ON I.A.NO. III**

The learned counsel for the respondent No.2 has filed this application U/Order I Rule 10(2) R/W Sec.151 of CPC praying this court to pass an order for deleting/striking out the name of the respondent No.2 in the suit as mis-joinder of party.

2. In the memorandum of facts filed in support of the above application, it is contended that, the policy issued by this respondent in respect of Motor Cycle bearing Reg. No.KA.68/K-8975 is a standalone own damage policy which cover the own damage of the insured vehicle. The petitioner in the present case is the third party and claimed compensation for the injuries in the alleged accident. The liability of the third party is not covered under the above said policy. Hence claim petition is not maintainable against this respondent as this respondent is not a necessary party to the above case and requires to be deleted from the cause title of the petition.

3 On the other hand the learned counsel for the petitioner has submitted no objection to the above application.

4. Heard both side on the above application.

5. The points that arise for my consideration are:

1. Whether the plaintiff 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:** The respondent No.2 contended that the policy issued by this respondent in respect of Motor Cycle bearing Reg. No.KA.68/K-8975 is a standalone own damage policy which cover the own damage of the insured vehicle. The petitioner in the present case is the third party and claimed compensation for the injuries in the alleged accident. The liability of the third party is not covered under the above said policy. Hence claim petition is not maintainable against this respondent as this respondent is not a necessary party to the above case and requires to be deleted from the cause title of the petition. The said aspect has not been disputed by the petitioner. Hence, the name of 2<sup>nd</sup> respondent requires to be deleted from the cause title of the petition as respondent No.2 is not necessary party to the case. Therefore, this court is of the view that, if the application is allowed by deleting /striking out the name of the 2<sup>nd</sup> Respondent, no hardship will be caused to the other side. Hence the above point No.1 is answered in the ' Affirmative'.

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

**ORDER**

I.A. No.III filed by the Respondent No.2 U/Order I Rule 10(2) R/W Sec.151 of CPC is hereby allowed.

The name of the respondent No.2 is hereby deleted from the cause title of the petition as mis-joinder of party.

To carry out amendment and for amended petition by: 23-05-2025.

2<sup>nd</sup> Addl. Sr. Civil Judge & MACT.,  
Ranebennur.