

ORDER ON I.A.No.III

The petitioner has filed I.A. No.III U/Order I Rule 10(2) R/W Section 151 of CPC with a prayer to implead the proposed respondent i.e., the dealer of the offending vehicle Temporary bearing Reg. No. T0222KA8076K 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 towards injuries caused to him in the road traffic accident. That on 18-02-2022 at about 19-30 hours the petitioner was driving the Autorickshaw bearing Reg. No.KA.27/B-4245. At that time the driver of the unregistered three wheeler Goods vehicle bearing Temporary Reg.No. T0222KA8076K drove the same in a rash and negligent manner and dashed to the petitioner vehicle. The alleged accident was caused due to the rash and negligent driving of the driver of unregistered three wheeler goods vehicle. The respondent No.2 in its objection statement has taken the contention that, the alleged accident was caused on 18-02-2022, but as per RC particulars, the vehicle was temporarily registered in the name of respondent No.1 on 22-02-2022. As such, prior to its

registration, it had met with an accident and it was in the name of dealer of the said vehicle. But the insurance policy issued by the respondent No.2 was valid from 18-02-2022 to 17-02-2022 and hence, it was valid on the date of the accident. As such, it is just and necessary to implead the proposed respondent in the said petition to proper and effective adjudication of the petition. Hence, prays to allow the application in the interest of justice and equity.

3 On the other hand inspite of notice, the opponent / proposed respondent No.3 has not appeared before the court to oppose application. The other respondents have not chosen to file objection.

4. Heard petitioner counsel.

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 : 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 caused to the petitioner in a road traffic accident. It is contended that, the accident was caused due to rash and negligent driving of driver of unregistered three wheeler goods vehicle bearing Temporary Reg.No. T0222KA8076K and the petitioner has made the insurer of the offending Auto as respondent No.2. The respondent No.2 in its objection statement has taken the contention that, the alleged accident was caused on 18-02-2022, but as per RC particulars, the vehicle was temporarily registered in the name of respondent No.1 on 22-02-2022. As such, prior to its registration, it had met with an accident and it was in the name of dealer of the said vehicle. Hence the dealer is also necessary party in the petition. As such, it is just and necessary to implead the proposed respondent as respondent No.3 who being the dealer of the said offending goods 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. Hence, 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:** In view of my discussions in point No.1, I proceed pass the following:

ORDER

I.A.No.3 filed by the petitioner U/Order 1 Rule 10(2) R/W Section 151 of CPC is hereby allowed.

The Proprietor, Hindustan Motors, Near APMC, PB road, Bairidevarakoppa Hubballi, Dharward District, Dealer Code No.IN53AH665 is impleaded as respondent No.3 in the present petition.

To amend the petition and to file the amended petition.

Call on:

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