

ORDER ON I.A.NO.I

The learned counsel for the petitioner has filed I.A.No.I U/Order 1 Rule 10(2) R/W Section 151 of CPC with a prayer to implead the proposed respondent i.e., The Legal Claims Manager, ICICI Lombard General Insurance Co., Ltd., above Bellad Hero Honda show Room, 2nd Floor, near Bannigida stop, Gokul road, Hubli, as respondent No.3 in the present petition.

2. The learned counsel for the petitioner has filed memo of facts stating that, the alleged accident was caused on 25-12-2024 due to rash and negligent driving of driver of Car bearing Reg.No.KA.09/MH-4560 and the respondent No.1 is the owner and respondent No.2 is the insurer of the said Car and the said respondent No.2 had issued only OD claim policy, but the said Car was insured with another insurance company for TP cover. Further the petitioner was proceeding on the Motor Cycle as a rider and he was covering under third party liability. Hence, in order to proper and effective adjudication of the matter, it is necessary to implead the said insurance company of the offending Car which was issued third party liability insurance policy as proposed respondent No.3 in the cause title of the petition. Hence, prays to allow the said application.

3 In spite of service of notice on IA No.1, the proposed respondent not appeared and remained absent. The respondent No.2 not filed any objections to the said application.

4. Heard petitioner side and perused the materials available on record.

5. The points that arise for my consideration are:

POINTS

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 the petitioner in a road traffic accident against the respondent Nos.1 and 2. It is contended that, the accident was caused due to rash and negligent driving of driver of Car bearing Reg.No.KA.09/MH-4560 and the petitioner has made the owner and insurer of the offending Car as respondent Nos.1 and 2. He further contended that, the said respondent No.2 had issued only OD claim policy, but the said Car was insured with another insurance company for TP cover and he was proceeding on a Motor Cycle as a rider and he was covering 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. The petitioner has provided policy details wherein it is stated that, the proposed respondent No.3 has issued third party policy in respect of Car bearing Reg.No.KA.09/MH-4560 and the TP coverage

starts from 22-02-2023 to 21-02-2026. Admittedly the accident in question was occurred on 25-12-2024. 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.I filed by the petitioner U/Order 1 Rule 10(2) R/W Sec.151 of CPC is hereby allowed.

The Legal Claims Manager, ICICI Lombard General Insurance Co., Ltd., above Bellad Hero Honda show Room, 2nd Floor, near Bannigida stop, Gokul road, Hubli impleaded as respondent No.3 in the present petition.

To amend the petition and to file the amended petition.

Call on:

(Sri. Manjunatha M.S.)
2nd Addl. Sr.C. J & JMFC.,
Ranebennur.