

ORDER ON INTERIM APPLICATION No.1 FILED BY THE RESPONDENT No.2 UNDER ORDER I RULE 10(2) OF CIVIL PROCEDURE CODE, 1908

1. This is an interlocutory application filed by the Respondent No.2 to strike out the name of respondent No.2 from the present petition as the vehicle is not insured with the respondent No.2 company as on the date of the accident.
2. The application is accompanied with affidavit sworn by the legal manager of respondent No.2 company wherein he has stated that the petitioner has filed claim petition seeking compensation for the injuries in road traffic accident dated.21-04-2019 alleging that the said accident occurred due to the rash and negligent driving of driver of auto bearing Reg. No. KA 32/C031. It is stated by the petitioner that the said vehicle is insured with the respondent No.2 company. The accident occurred on 21-04-2019 and owner of the said vehicle has taken the policy from the respondent No.2 company from 01-05-2019 to 34-02-2020 from the date of

accident. Thus as on the date of accident vehicle is not insured with the respondent No.2 company. Hence the petition against the respondent No.2 company is not maintainable. Thus he prayed to allow the application.

3. The Counsel for the petitioner submitted no objections to the present application.

4. Heard arguments of learned counsel for the petitioner and counsel for the respondent. Perused the materials.

5. On the basis of the above pleadings and on hearing both sides, the following points arise for my consideration.

- 1) Whether the respondent No.2 has made out reasonable grounds to allow I.A.No.1 filed U/order 1 Rule 10 (2) R/w Sec.151 of CPC?
- 2) What order?

6. My findings on the above points are as under:

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 company has stated that he accident occurred on 21-04-2019 and owner of the said vehicle has taken the policy from the respondent No.2 company from 01-05-2019 to 34-02-2020 from the date of accident. Thus as on the date of accident vehicle is not insured with the

respondent No.2 company. The counsel for the petitioner admitted the same. The records also shows that as on the date of accident the alleged vehicle was not insured with the respondent No.2 company. Hence the petition against the respondent No.2 company is not maintainable.

In the light of above reasons I answer Point No.1 in the Affirmative.

8. Point No.2:- As I have answered point No. 1 in the Affirmative for the foregoing reasons, I proceed to pass the following:

ORDER

IA-I Under order 1 Rule 10 (2) R/w Sec.151 of CPC filed by the respondents No. 2 is hereby allowed.

The name of the respondent No.2 company is strike out from the claim petition as the petition against the respondent No.2 company is not maintainable.

For Evidence.

Call on 15-12-2023.

Senior Civil Judge & JMFC,
Chincholi.