

MVC 370/2022

ORDER ON I.A.III

The 3rd respondent filed this application under Order I Rule 10(2) of C.P.C. to delete him in the proceedings. In the affidavit it is sworn that, the petitioner has filed this petition for claiming of compensation. However, the vehicle in question bearing No.KA-05-MZ-5743 belongs to the 2nd respondent was insured with the 3rd respondent only for own damages. The said policy is private car stand alone own damage insurance policy. This respondent submits that the said policy will not cover the third party liability. It is further submitted that, the petitioner has taken the policy from the Reliance General Insurance Company for covering third party liability. The petitioner has already taken steps to implead the Reliance General Insurance Company in the said case. Under these circumstances the presence of the 3rd respondent in this proceeding is unnecessary. Therefore, prays to delete him.

The said application is not being objected by the petitioner. It shows that the petitioner is preparing to implead the Reliance General Insurance Company as respondent in this case,

because he taken policy from the said company. Suppose the facts mentioned in the affidavit are false, the petitioner would have objected the said application. But the petitioner has not objected. So, it implies that the petitioner has not taken policy from the 3rd respondent. Therefore, I.A.III is allowed. The 3rd respondent is deleted from the proceedings. To file amended petition call on 14.08.2025.

Senior C.J. & JMFC.,
Nanjangud.

17.07.2025