

KARN210011122022



**IN THE COURT OF ADDL.SENIOR CIVIL JUDGE
& J.M.F.C. AT CHANNAPATNA.**

Present:-

Sandesha.K.,MA,.L.LB.

(Addl.Senior Civil Judge & J.M.F.C., Channapatna)

Dated: 30th Day of July 2026

MVC No. 269/2022

Petitioner : Sri.Arun Kumar.H.R,
S/o Ramu,
Aged about 25 years,
R/at Hanumanthapur Village,
Vandaraguppe,
Silk farm Post,
Channapatna Town,
Channapatna Taluk,
Ramanagara District.

(By: Sri.H.K.G. Adv.,)

V/S

Respondents : 1. Sri.Ramesh,
S/o Venkataramanaiah.
R/at No.47, Hanumanthapura,
Silk Farm Post,
Channapatna Taluk,
Ramanagara District.

2. The Chief Manager,
New India Asurance Co.Ltd.,
No.2241/4, Girigamma,
Shambugowda,
Complex, Church Road,
Channapatna Town,
Channapatna Taluk,



Ramanagara District.

(R-1 By: Sri.K.P.K. Adv.,)

(R-1 By: Sri.S.Y.S. Adv.,)

Parties on IA No.I

Applicant/ Respondent No.2 : The Chief Manager,
New India Asurance Co.Ltd.,

V/s

Opponent/Petitioner : Sri.Arun Kumar.H.R,

1.	Provision under which applications filed.	Under Section 151 of CPC.
2.	Relief sought	Pray for hear the maintainability of the petition that injured petitioner is not to the 3 rd party to claim compensation before this court as well date of accident.
3.	The date on which application filed.	25.07.2024
4.	Number of applications	IA No.I
5.	The date of which the objection filed by the respondent/ defendant	22.05.2025
6.	The date on which the order were passed on the said application	30.07.2026



ORDERS ON I.A.NO. I FILED BY THE
RESPONDENT NO.2 UNDER SECTION 151
OF CPC

This application filed by the 2nd respondent U/o section 151 of CPC., pray for hear the maintainability of the petition that injured petitioner is not to the 3rd party to claim compensation before this court as on the date of accident in the interest of justice

2. At the stage of petitioner evidence, respondent No.2 has field this application.

3. In the memorandum of facts filed in support of IA No.I 2nd respondent counsel stated that, claimant has field a false case against the respondent No.2. petition is not maintainable before this court that above clime is not 3rd party clime forum and the injured petitioner Arun Kumar is not the 3rd party the above petition. As when the date of accident the injured was riding the injured vehicle as per the IMV Act and terms of the insurance policy the driver of the insured vehicle with permit of the insured becomes the insured at the time of the position of the insured vehicle. Hence, as when the date of accident the injured Arun Kumar rider stands as a owner at the time of accident and above said accident caused due



to sole negligence of the injured, the jurisdictional police have field charge sheet against the petitioner and only one vehicle is involved in the accident. Hence, above petition is not maintainable before the law as 3rd party. The injured is not the a 3rd party to clime the compensation. . Hence, this application.

4. In return the petitioner has filed objection to IA No.I by stating that, application filed the 2nd respondent is very experiences and very well knowing the all facts to counsel for the 2nd respondent and insurance company. The counsel for the 2nd respondent without verification of the police documents this application is filed without proper knowledge. According in to Police report i.e., FIR complaint Hospital record, the petitioner was pillion rider at the time of the alleged accident and he take a first aid treatment in B.J.Lingegowda Hospital Channapatna and MLC was also issued but the Investigating Officer was not obtained the MLC record from the B.J.Lingegowda Hospital. The investigating officer demand the money form the petitioner, petitioner father was refused therefore, investigation officer creating a statement U/Sec.167(3) of Cr.P.C. the Investigating Officer take



a signature of owner of in a blank sheet. Hence, pray for dismiss the application.

5. For disposal of IA No.I following points arise for consideration:

1. Whether the respondent No.2 has made out sufficient grounds to allow the application?

2. What Order?

6. Both side have argued in par with their pleadings. Having heard arguments on both side, my findings to above points are:

Point No.1 : In the **Negative**

Point No.2 : As per final order

For the following;

REASONS

7. Point No.1:- The petitioner has filed this petition U/Sec.166 of M.V act for the compensation against the respondents. After the registration of the petition, notice served to the respondents. Despite of service of notice respondent No.1 and 2 appear before the court through their advocate 1st respondent has filed written statement after given sufficient time 2nd respondent has not filed written statement. Hence,



written statement of the 2nd respondent has taken is not filed. After framing of issues, the 2nd respondent has filed this application

8. The submission is respondent No.2 counsel is petitioner himself riding the bike and accident was happen, it was shown in the police record. petitioner is not 3rd party therefore, pray for allow the application and hear the petition on maintainability. Hence, pray for allow the application.

9. Submission of the petitioner counsel is as per the police record petitioner is pillion rider. But investigating officer intentionally not shown in the charge sheet. FIR and complaint disclosed that petitioner is the pillion rider. Hence, pray for dismiss the application.

10. In the light of argument canvased by the both parties and perused the documents available on record. The petitioner has produced Copy of FIR, Complaint, wound certificate and Copy of MLC. The petitioner has not produced entire charge sheet. MLC produced by the petitioner shows that he is the pillion rider. As already stated above the petitioner has not produced entire charge sheet. Moreover, there is no specific defense in the written statement of the



respondent No.2. respondent No.2 has not filed written statement and respondent No.2 has not produced any supporting documents shows that petitioner is a not 3rd party. Therefore, open the defense to the respondent No.2 the application as to rejected. Accordingly, point No.1 is answered in the **Negative.**

11. Point No.2. In view of the reasons, discussions and conclusions arrived at Point No.1 in the result, this proceed to pass the following:

ORDER

I.A.No.I filed by respondent No.2 under Sec.151 of CPC, is hereby rejected.

No order as to cost.

(Dictated to the stenographer directly on the computer corrected and signed by me and then pronounced in the Open Court on this 30th day of July 2026)

(Sandesha.K.)
Addl.Senior Civil Judge & JMFC.,
Channapatna



**(ORDER PRONOUNCED IN THE OPEN COURT
(ON 30/07/2026)
(VIDE SEPARATE ORDER)**

I.A.No.I filed by respondent
No.2 under Sec.151 of CPC, is
hereby rejected.

No order as to cost.

For petitioner evidence.

Call on 03.09.2026.

Addl. Senior Civil Judge & JMFC.,
Channapatna.



**(ORDER PRONOUNCED IN THE OPEN COURT)
(VIDE SEPARATE ORDER)**

ORDER

The IA No. XIX, filed by the 1st defendant under order 6 rule 17 and section 151 of CPC is hereby rejected.

No order as to costs.

For further chief of DW1.

,

Prl. Civil Judge & JMFC.,
Belthangady.

KARN210011122022



№ 260/2022

10

MVC