

ORDER ON I.A No. I

1. Vide this order I shall dispose of an application under order 1 Rule 10 of CPC moved on behalf of the applicant/Petitioner to implead The New India Assurance Company Ltd., as respondent no.3 in the present case.

2. Vide the instant application it is the contention of the applicant that the petitioner has filed the petition against the respondents for claiming compensation due to the injuries caused by the respondent no.1 in driving the vehicle bearing no.KA 51 D 7929 owned by respondent no.2 . At the timing of filing the petition it was not within the knowledge of the petitioner that the offending vehicle was insured with the proposed respondent. The respondent no.2 filed Ws stating that the offending vehicle was insured with the proposed respondent at the time of accident and a such if any compensation is to be paid by the respondent no.2 it should be indemnified by the proposed respondent being the insurer of the offending vehicle. In order to decide the dispute between the petition of the parties effectually and finally the presence of the proposed respondent is necessary and more so it binds the proposed respondent. On these grounds prayer is made to allow the application.

3. On the other hand the proposed respondent has not filed reply.

4. Arguments heard on behalf of petitioner and respondents.

5. The petition against the respondents for claiming compensation due to the injuries caused by the respondent no.1 in driving the vehicle bearing no.KA 51 D 7929 owned by respondent no.2. According to the applicant the proposed respondent is the insurer of the offending vehicle and it has to indemnify in case of any award passed against the respondent no.2. In motor vehicle claims the insurance company having direct interest in the subject matter of the petition has to be arrayed in the petition being the necessary party. The respondents or proposed respondent have not denied that the existence of valid insurance policy and proposed respondent having interest in the petition. In order to decide the dispute between the parties effectually and finally, the presence of proposed respondent is necessary. Moreover, the judgment binds and affects the rights of the proposed respondent. In the light of the above discussion I proceed to pass the following;

ORDER

I.A. No.I filed by applicant/Petitioner under order I Rule 10 read with section 151 of Civil Procedure Code is hereby allowed and no order as to the cost.

In the result the proposed respondent is hereby impleaded as respondent No.3 in the present suit.

For carrying out the amendment and to furnish the amended petition.

Call on 12.06.2023

(Dictated to the Stenographer directly on computer, corrected and then pronounced by me in the open court on this the day of 3rd day of June, 2023)

C/c Addl. Senior Civil Judge & J.M.F.C
Sagar

