

ORDERS ON IA NO.IV

The respondent number 2 has filed application under order 1 rule 10(2) and section 151 of CPC. Wherein the respondent number 2 prays this honorable court to please to implead the below mentioned persons as respondent number 3 and 4 as the proper and necessary party for effective and complete adjudication of the disputes involved in the said case and to grant such other further reliefs as the court deem fit under the circumstances and the case may require.

The application is supported by the affidavit wherein it is submitted that FIR is filed involving one more vehicle bearing KA19-AD-3703 on the basis of complaint given by one Mr. Chandrasekara.

It is further submitted that as per the FIR vehicle bearing registration number KA-19AD-3703 involved in the accident, same has been brought on record to verify the truth of the accident and fair trial for both side.

Further it is submitted that if the parties intended to implicate or not brought on record then injustice would be caused to this respondent as the insured vehicle is not involved in the said accident.

Further it is submitted that it is just and necessary to implicate said opponents as supplemental respondents as the case has to be decided by the presence who are the owner and insurer of the vehicle responsible for the accident in question, hence constrained to file this application.

Further it is pertinent to submit that notice got issued to the said respondent number 3 and 4 and it was served them personally. They were called out and remained absent hence objection taken as not filed. After perusing the contents of the affidavit at this stage this court is of the opinion that when there is no counter objection filed by this respondent number 3 and 4 then there is no reason to disbelieve the version put forth by the respond number-no-2.

Therefore, in the interest of justice, this court is of the opinion they are proper and necessary parties to the petition and their implement is duly required for the proper adjudication of this case. Hence, proceed to pass the following

ORDER

The application filed under order 1
rule 10(2) of CPC is hereby allowed.

Proposed respondent No. 3 and 4 are brought on record as respondent no3 and 4. Petitioner is hereby directed to implead Respond No. 3 and 4 in the said petition and carry out amendment wherever required.

(Santhosh Srivastava)

Addl. Senior Civil Judge & ACJM,
Udupi.