

MHBH010013722024



ORDER BELOW EXHS. No. 7 AND 8
(Passed on 15th day of February, 2025)

The learned counsel Shri. Vijay Subhash Wankhede for respondent No.2, Liberty Insurance Company Ltd., filed application at Exh.7 for deletion of its name from the case. Respondent No.2 submitted that the insurance of respondent No.1's vehicle with respondent No.2 is own risk insurance and third party insurance is with Royal Sundaram General Insurance Company Ltd. on the day of accident. Respondent No.2 company submitted that claimant is the third party and it is not responsible to pay any compensation to the claimant as per the policy contract between respondents No.1 and 2. Hence, its name be deleted.

2) Claimant has given no objection to delete the name of respondent No.2 Liberty Insurance Company Ltd. and filed application at Exh.8 to add the name of Royal Sundaram General Insurance Company Ltd. as party to the petition. Royal Sundaram General Insurance Company Ltd. is having third party insurance of the respondent No.1's vehicle on the day of accident. Hence, that company be added as respondent.

3) It is an admitted fact that respondent No.2 has given own risk insurance to respondent No.1 and had there been any injury to respondent No.1 then he could have claim the damage from respondent No.2. In such circumstances, there is no point in keeping respondent No.2 as a party to this case as the vehicle was not insured against third party risk with respondent No.2. The vehicle is insured as third party risk with Royal Sundaram General Insurance Company Ltd.. Hence, it is a necessary party to this case. So, in my view, both applications are required to be allowed. So, I proceed to pass following order:

ORDER

- 1) The applications at Exhs.7 and 8 are hereby allowed.
- 2) It is directed that respondent No.2 Liberty Insurance Company Ltd. be deleted from this case and Royal Sundaram General Insurance Company Ltd. be added to this case.
- 3) The claimant to carry out the amendment in the matter within 14 days and thereafter issue notice to newly added respondent.

Date 15/02/2025.

(M. S. Ganorkar)
District Judge-1, Bhandara.

CERTIFICATE

I affirm that, the contents of this P. D. F. file are word to word,
as per the original Order.

Name of the Stenographer : N. B. Shendekar (Grade-1)

Court's Name : District Judge-1, Bhandara

Date of Dictation : 15/02/2025

Order signed by the P. O. on: 15/02/2025

Order uploaded on : 15/02/2025