MHTH010101632022

Order below application, Exh.14 in M.A.C.P. No.1171/2022
dated- 10.01.2025
Kaluram Dattu Thombare Vs. Tanaji Laxman Dalvi

Opponent no.02 has moved this application with contention that, it is made party to this proceeding on the basis of policy, which is stand alone motor own damage policy, for motor cycle taken, by opponent no.01 in addition to statutory policy issued by M/s. Reliance General Insurance Co. Ltd.. Hence, same is not covering third party interest. It further averred that, authorized insurer, i.e. M/s. Reliance General Insurance Co. Ltd. has already issued policy, valid from 23.11.2020 to 22.11.2025, covering date of alleged accident. Policy issued by this opponent no.02 does not cover risk of the deceased. Hence, it is not liable to pay any compensation. Therefore, present claim against this opponent no.02 may be dismissed with heavy cost. Name of opponent no.02 deleted and discharged from present proceeding. Cost may be levied on the petitioner for unnecessarily dragging it in the litigation.

02] Initially, on 20.09.2024 the petitioner filed say that, this application is devoid of any merit and copy of insurance policy, together with terms and conditions is not provided, which is mandatory for opponent no.02, to file the same,when it is claiming exoneration. Hence, the petitioner asked for direction to opponent no.02 to submit copy of said insurance policy.

03] Opponent no.02 filed copy of insurance policy alongwith list of documents, Exh.21.

04] Later on, after filing said copy by opponent no.02, **the petitioner again filed say on 06.01.2025 that, “name of new insurance policy may be added on record. After leading evidence only, and the share of the present opponent no.02 may be decided”**.

05] Heard both learned advocate. Also perused the record.

06] Points for determination, findings thereon, along with reasons therefor, are as under :-

	POINTS	FINDINGS
01.	Whether present opponent no.02 is required to be deleted as prayed ?	**Yes**
02.	What order ?	**Application is allowed.**

REASONS

As to point no.01 -

07] The petitioner has, himself, filed certified copy of insurance policy with list of documents, Exh.03. Title of said policy is **"stand alone own damage policy for two wheelers”**. It further shows that, total package premium of Rs.646/- only, was paid for it. There is no premium for basic liability of TAPD taken. Validity period of this policy is from 23.11.2020 to 22.11.2025. Date of accident is 20.05.2022. That means, this policy is bundled policy, on the date of accident. Copy of insurance policy of Reliance General Insurance Co. Ltd. is filed by opponent no.02, with list of documents, Exh.21. Name of insured, details of insured vehicles, like chassis no., engin no. etc. are the same as mentioned in policy; filed with list of documents. In this policy of Reliance General Insurance Co., premium TPPD with all other third party liability is seen to have taken. In such circumstances present opponent no.02, being insurer of “stand alone policy” can be deleted. Point no.01 is answered accordingly.

As to point no.02 -

06] In the light of finding of point no.01, for the reasons discussed above, in answer to point no.02, following order is passed :-

ORDER

01] **Application, Exh.14 is allowed.**

02] Present opponent no.02 i.e. Magma HDI General Insurance Company, be deleted from petition, Exh.01 forthwith.

03] The petitioner is at liberty to add M/s. Reliance General Insurance Company Ltd. as opponent no.02.

04] Parties to bear their own costs.

Sd/-xxx
(S. N. Shah)
Member, M.A.C.T. Thane

Thane
Date : 10.01.2025