

**IN THE COURT OF SUBORDINATE JUDGE,
MADURANTAKAM.**

**Present: Mr. T. GANESH, B.A., B.L.,
Subordinate Judge,
Madurantakam**

**Tuesday, this 28th day of July 2026
I.A.No. 5/2026
in
M.C.O.P No. 145/2022
(CNR.No.TNKPOB000213-2022)**

A. V. Ramanan ... Petitioner/Petitioner

..Vs..

1. V. Manohar

2. The New India Assurance Company Ltd.,
Motor 3rd party claims Hub Cell,
Divisional Office, No. 57A,
Nellukara Street, Opposite Karthikeyan Theatre,
Kancheepuram District.

... Respondents 1 and 2/Respondents 1 and 2

3. ICICI Lombard, General Insurance Company Ltd.,
BO – 122, Ground Floor, Savithaplaza 100 feet Road,
Nellithoppu, Near Indira Gandhi Square,
Pondicherry – 605 005.

...3rd Respondent/Proposed 3rd Respondent

This petition coming up for final hearing on 02.07.2026 in the presence of Mr.M.Bharathi, counsel for the petitioner/petitioner and Mr.K.Thilagaraja, counsel for 1st respondent, Mr.E.Elango, counsel for 2nd

respondent/ 2nd respondent and Mr.B.Ramnath, counsel for 3rd respondent/proposed 3rd respondent and 1st respondent called absent and set exparte on main petition and after hearing the arguments on both sides and upon perusing the records, having stood over for the consideration of this court till date, this court delivered the following;

ORDER

This petition is filed by the petitioner under Order VI Rule of 17 and r/w Section 151 Of Civil Procedure Code to grant leave to the petitioner/petitioner by permitting and allowing him to amend his original petition M.C.O.P No. 145/2022 as detailed in the particulars of amendment stated hereunder in this petition in order to add and implead the 3rd respondent in this petition as 3rd respondent in M.C.O.P No. 145/2022 on the file of this court.

2. Averments of the petitioner:

Petitioner is the petitioner in MCOP No. 145/2022. Petitioner have filed the above claim petition for claiming compensation for the injuries sustained by him in the motor accident occurred on 09.12.2021 at about 20.30 hours in Madurantakam, Kadaperi Railway Bridge, caused by the 1st respondent while riding his motor cycle TN-19-AW-0878 (Honda Shine CB Motor Cycle) dashed with the TVS-50 excel TN-19-W-0298 drove by him. The Madurantakam Police gave the Xerox copy of New India Assurance Company Limited, Madurantakam in the name of 1st respondent in respect of motor cycle No. TN-19-AW-0878 (Honda Shine CB Motor Cycle) insured for the periods from 27.11.2018 to 26.11.2023. Petitioner have filed the above said insurance policy with his petition by adding the New India Assurance Company Limited as 2nd respondent in the above case.

Petitioner have marked the above said insurance policy as exhibit P4

on his side in the trial of above case. This Court was pleased to reserve the case for orders on 08.11.2024 and further reopen the case on 09.12.2024 regarding clarification about the nature and coverage of the Insurance policy marked by him in the above case. So to give clarification to this Court my counsel carefully read the policy marked by him and found it was only a "Standalone Motor Own Damage Policy for Two Wheelers" and not the insurance policy covering the liability of 3rd party claim. But in the said insurance policy marked by him the Bundle/ Long term liability policy was issued by "BHARTI AXA GENERAL INSURANCE COMPANY LIMITED" to the motor cycle of the 1st respondent TN-19-AW-0878.

After due enquiry he came to know and understand that the above said "BHARTI AXA GENERAL INSURANCE COMPANY LIMITED" is merged and amalgamated with ICICI Lombard, General Insurance Company Limited with all liabilities. So it is highly just and necessary to add and implead the office of the ICICI Lombard, General Insurance Company Limited, Pondicherry in the above case as 3rd respondent in the original petition in order to get compensation, since the motor cycle of the 1st respondent TN-19-AW-0878 is also insured with 3rd respondent. So the 3rd respondent is necessary party to decide the above said petition and merits and who is liable to pay compensation to me under contractual liability with 1st respondent.

Petitioner constrained to file this petition in I.A No. 4/2025 add and implead the 3rd respondent in the main petition MCOP No. 145 of 2022 as 3rd respondent. The said petition was allowed by this Court on 22.09.2025. Petitioner constrained to file this petition to amend his original petition as detailed in the particulars of amendment in this petition to add and implead 3rd respondent in MCOP No. 145 of 2022 as 3rd respondent. The

proposed amendment is consequential in nature and no way alter the nature of the case and the relief already asked in his petition. Unless leave is granted to him to amend his original petition, he will be put great loss and hardship. On the other hand no prejudice would be caused to respondents 1 to 3 by amending the original petition to add and implead the 3rd respondent herein as 3rd respondent in MCOP No. 145 of 2022.

Hence the petitioner files this petition to grant leave to petitioner by permitting and allowing him to amend his original petition in MCOP No. 145/2022 as detailed in the particulars of amendment stated in this petition in order to add and implead the 3rd respondent in this petition as 3rd respondent in MCOP No. 145 of 2022 on the file of this Court.

3. Respondents 2 and 3 endorsed no counter.
4. No oral and documentary evidence adduced by both sides.
5. Heard both sides and perused the records.

6. Point :-

“Whether the petitioner’s evidence can be re-called?”

This petition has been filed under Order VI Rule 17 and r/w Section 151 of the Code of Civil Procedure seeking permission to amend the claim petition in M.C.O.P. No.145 of 2022 by incorporating the consequential amendment to add and implead the 3rd respondent, namely, ICICI Lombard General Insurance Company Limited, as the 3rd respondent in the main claim petition.

The petitioner has originally filed the claim petition seeking compensation for the injuries sustained by him in the motor accident that occurred on 09.12.2021. It is the petitioner’s case that, based on the copy of the insurance policy furnished by the Police, he impleaded the New India Assurance Company Limited as the 2nd respondent and marked the said

policy as Ex.P4 during trial. When the matter was reopened by this Court for clarification regarding the nature and coverage of the insurance policy, it came to light that the policy produced was only a Standalone Motor Own Damage Policy and did not cover third party liability. It is further stated that the policy itself disclosed that the long-term third party liability policy had been issued by Bharti AXA General Insurance Company Limited, which has subsequently merged with ICICI Lombard General Insurance Company Limited. According to the petitioner, I.A. No.4 of 2025 filed for impleading the said insurer was already allowed by this Court on 22.09.2025, and the present amendment is only consequential in nature to bring the pleadings in conformity with the order already passed. It is further stated that the proposed amendment would neither alter the nature of the claim petition nor introduce a new cause of action and that no prejudice would be caused to the respondents.

Respondents didn't object this application as it is consequential one.

On a careful consideration of the pleadings, this Court finds that the amendment sought is founded upon the clarification regarding the nature of the insurance policy produced before the Court and the subsequent discovery that the third party liability policy had been issued by another insurer, which now stands amalgamated with ICICI Lombard General Insurance Company Limited. The impleading petition having already been allowed by this Court, the present amendment has become necessary to give effect to the said order and to bring the pleadings in conformity with the array of parties. The amendment, therefore, is only consequential in nature and does not introduce any new factual foundation or alter the cause of action. No loss or prejudice will cause to the respondents if this application is allowed.

In view of the above and considering the settled principles under Order VI Rule 17 CPC, this Court is satisfied that the amendment sought is bona fide, consequential in nature, necessary for proper adjudication of the dispute, and does not alter the fundamental character of the claim petition. Hence this point is decided accordingly.

7. Result:

In the result, this application is allowed. No cost.

Directly typed in my personal lap-top, corrected and pronounced by me in the open court, this 28th day of July 2026.

Subordinate Judge,
Madurantakam.

I. Petitioner side evidence and Exhibits : Nil.

II. Respondents side Evidence and Exhibits : Nil

Subordinate Judge,
Madurantakam.

DRAFT/FAIR ORDER
I.A No. 5/2026
in
M.C.O.P No. 145/2022
D.O.D: 28.07.2026
SUB JUDGE,
MADURANTAKAM