

IN THE COURT OF SUBORDINATE JUDGE OF PALLADAM

PRESENT: Thiru.K. Yuvaraj, B.A.,B.L.,

Subordinate Judge, Palladam

Friday of 13th December, 2024

IA No.02/2024

in

MCOP.No.184/2023

The New India Assurance Co.Ltd.,
Coimbatore.

... Petitioner / 3rd Respondent

/Vs/

Palanisamy

... Respondent / Petitioner

This petition is coming on 28.11.2024 for final hearing before me in the presence of Thiru.R.Manickaraj,B.Com.,B.L., Advocate for the Petitioner/3rdRespondentandThiru.P.Keerthivarman,M.A.,B.L.,PGDLL., Advocate for the Respondent/ Petitioner. Upon hearing both side arguments and perusal of all connected material records and having stood over till this day for consideration, this court delivered the following:

ORDER

The Interim application was filed by the Petitioner / 3rd Respondent under Order 1 Rule 10(2) and Section 151 of CPC to delete the 3rd Respondent Insurance company in the the main Claim Petition.

2. On careful perusal of Affidavit filed on the side of Petitioner / 3rd Respondent, the Respondent / Petitioner in main MCOP filed this claim application for subject offending vehicle TVS Excel 100 bearing

Registration No.TN 37 EZ 8715 along with the policy particulars for the subject Offending Vehicle, in which the 3rd respondent Insurance company has only own damaged policy for a period from 20.01.2023 to 19.01.2024, there is no policy for the 3rd party liability. On careful perusal of Document No.3 produced on the side of Respondent / Petitioner in Main MCOP admittedly the 2nd Respondent Reliance insurance company alone having 3rd party liability. The said offending vehicle was insured with 2nd Respondent Reliance General Insurance Company having a 3rd party coverage for the period from 05.10.2021 to 04.10.2026 and the time of accident is 23.01.2023. Hence for deciding this application the 2nd Respondent Reliance General Insurance Company in the main MCOP petition alone necessary party.

3. Hence taking note of such fact the 3rd Respondent New India Assurance Company limited is not at all a necessary party to this case. Hence this application is allowed.

In the result, this application is allowed.

Dictated to the stenographer, transcribed and typed out by her, corrected and pronounced by me in open court this 13th December 2024.

Subordinate Judge,
Palladam.