



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 39566 OF 2025 (GM-AC)

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.,
REGIONAL OFFICE,
NO.9/2, MAHALAKSHMI CHAMBERS,
M.G.ROAD,BENGALURU - 560 001.
REPRESENTED BY ITS MANAGER

...PETITIONER

(BY SRI. VENKATESH KAMATH B.R.,ADVOCATE)

AND:

1. SMT. SANDHYA RANI
W/O LATE HARISH KUMAR K. A.,
AGE ABOUT 25 YEARS
2. KUM LAKSHYA HARISH
D/O LATE HARISH KUMAR K. A.,
AGE ABOUT 13 YEARS
3. MASTER LAVITH HARISH
S/O LATE HARISH KUMAR K. A.,
AGE ABOUT 8 YEARS

SINCE SECOND AND THIRD RESPONDENTS
ARE MINORS
HENCE REP. BY HER MOTHER & NATURAL GUARDIAN
SMT. SANDHYA RANI P.C.,

RESPONDENT NO. 1 TO 3
R/AT NO-3, LAKSHYA MANE,



1ST CROSS, 1ST MAIN, P & T,
LAYOUT, ANANDAPURA, K.R.PURAM,
BANGALORE, PIN CODE-560036.

4. RAFFI. C
S/O CHAND BASHA.
NO 40. A/3, BASHEER MOHAMMED LAYOUT,
GANDHI NAGAR, KRISHNAGIRI,
TAMIL NADU, PIN CODE 635001

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TOA. ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHERS APPROPRIATE WRIT QUASHING THE ORDER DATED 03-09-2025 PASSED IN MVC NO.3732/202024 ON THE FILE OF LEARNED CHIEF JUDGE COURT OF SMALL CAUSES BANGALORE, MOTOR ACCIDENT CLAIM TRIBUNAL (SCCH-1), THE COPY OF THE SAID ORDER IS AT ANNEXTURE-A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

This petition is by the New India Assurance Company Ltd., assailing the order of the Tribunal in rejecting the



impleading application filed under Order I Rule 10 of Code of Civil Procedure, 1908.

2. Heard the learned counsel for the petitioner.
Perused the records.

3. The claim petition is instituted for having lost one Mr. Harish Kumar in a road traffic accident that occurred on 06.01.2024. The present petitioner, who is arrayed as respondent No.2-insurer of the offending lorry, has entered appearance and filed its statement of objections. In the objections, a specific plea is taken that the accident in question is not attributable solely to the driver of the insured lorry, but is the result of composite negligence involving multiple vehicles. It is contended that two other cars were also involved in the occurrence and, therefore, their owners and insurers are necessary parties to the proceedings. Proceeding on this premise, the petitioner has also sought impleadment of the National Highways Authority of India and the alleged vehicles,



asserting that in their absence, the adjudication of liability would be incomplete and defective.

4. The Tribunal, upon consideration of the pleadings, the impleading application, and the objections filed by the insurer, has examined the material placed on record, particularly the charge sheet filed by the jurisdictional police. On such examination, the Tribunal has recorded a categorical finding that the offending lorry, which is insured with the present petitioner, is directly involved in the accident and that its driver has been charge sheeted for the offence punishable under Section 304A of the Indian Penal Code. In view of this prima facie material indicating culpability of the driver of the insured vehicle, the Tribunal has declined to entertain the application seeking impleadment of other parties, holding that their presence is not necessary for effective adjudication of the claim petition. Consequently, the said application came to be rejected, which is now called in question.



5. This Court, in a catena of judgments, has consistently expounded the principle governing cases of composite negligence, namely, that where the accident is caused due to the negligent acts of two or more tortfeasors, the liability of such tortfeasors is joint and several. In such circumstances, it is well settled that the claimants are dominus litis and are vested with the discretion to proceed against any one or more of the joint tortfeasors at their option. The claimants cannot be compelled to implead all possible tortfeasors, nor can the insurer of one of the vehicles insist upon the inclusion of other alleged vehicles or agencies as a precondition for adjudication of the claim. The remedy of the insurer, if so advised, lies elsewhere in seeking appropriate contribution or recovery in independent proceedings, but not in dictating the array of parties in a claim petition under the Motor Vehicles Act.

6. Therefore, in the present case, merely because the petitioner-insurer asserts involvement of other



vehicles, it cannot insist upon their impleadment, particularly when the charge sheet attributes negligence to the driver of the offending lorry insured with it. The Tribunal has rightly appreciated this settled legal position and has exercised its discretion in rejecting the impleading application. This Court finds that the impugned order is in consonance with the doctrine of composite negligence and the settled principle that the claimants are entitled to proceed against any one of the joint tortfeasors. The order, therefore, does not suffer from any legal infirmity warranting interference.

7. Petition is devoid of merits and is accordingly dismissed.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**