



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201290 OF 2026 (GM-CPC)

BETWEEN:

AKBARSAB S/O MOHAMMEDSAB,
AGE: 45 YEARS, OCC: BUSINESS,
R/O. DANDASOLAPUR, TQ. SORAPUR,
DIST. TEDAGIRI.

...PETITIONER

(BY SRI. SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. MALLIKARJUN @ MALLANNA S/O GURAPPA HUGAR,
AGE: 55 YEARS, OCC: COOLIE,
R/O. KHANAPUR, TQ. SINDAGI,
DIST. VIJAYAPURA,
NOW RESIDING AT VIJAYAPURA-586 101.

2. THE MANAGER LEGAL CLAIMS,
CHOLAMANDALAM GEN INS. CO. LTD.,
1ST FLOOR V.A. KALABURAGI SQUARE,
DESHPANDE NAGAR,
DESAI CROSS, HUBLI.

...RESPONDENTS

(BY SRI. MANJUNATH MALLAYYA SHETTY, ADVOCATE FOR R2)



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, A) ISSUE A WRIT OF CERTIORARI AND TO QUASH THE IMPUGNED ORDER ON DATED 04.02.2026 PASSED IN IA NO.I FILED BY THE PETITIONER U/O I RULE 10(2) R/W SECTION 151 OF CPC FOR IMPALED RESPONDENT NO.2 THE GENERAL MANAGER / CLAIMS, CHOLAMANDALAM GENERAL INSURANCE CO. LTD., IN MVC NO.1318/2021 PENDING ON THE FILE OF THE COURT OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO.VI AND I ADDL. SENIOR CIVIL JUDGE, VIJAYAPURA AT VIJAYAPURA VIDE PRODUCED AT ANNEXURE-D. B) ISSUE ANY OTHER WRIT OR ORDER OR DIRECTION TO MEET THE ENDS OF JUSTICE UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

1. Petitioner is before this Court in this writ petition under Article 227 of the Constitution of India, with a prayer to set aside the order dated 04.02.2026 passed on I.A.No.1 in MVC No.1318/2021 by the Court of I Additional Senior Civil Judge and MACT VI, Vijayapura.

2. Heard the learned counsel for the parties.

3. Respondent No.1 herein has filed a claim petition before the jurisdictional MACT at Vijayapura, under Section 166 of the Motor Vehicles Act. The petitioner herein is the



owner of the alleged offending vehicle. He had filed an application under Order 1 Rule 10 read with Section 151 of CPC., before the Claim Tribunal in MVC No.1318/2021 to implead the respondent No.2 herein as party respondent to the claim petition on the ground that, the offending vehicle was insured with the respondent No.2-Insurance company. The said application was opposed by the proposed respondent No.2-Insurance company. The tribunal vide impugned order at Annexure-D dated 04.02.2016 has rejected I.A.No.1 and aggrieved by the same, the petitioner is before this Court.

4. Perusal of the material on record would go to show that, the Tribunal has proceeded to consider the question whether the Insurance policy was valid or not as on the date of accident in question, while considering the application of the petitioner filed under Order 1 Rule 10 (2) read with Section 151 of CPC. It is trait that, the Court shall not dwell upon the merits of the case at the time of considering an application filed under Order 1 Rule 10 of CPC. All that the Court was required to consider is whether



the proposed respondent is a proper and necessary party to the proceedings. According to the petitioner, the offending vehicle was covered under a policy issued by the proposed respondent and whether the said policy was valid as on the date and time of the alleged accident is a question that is to be determined during the Course of trial and not at the stage of considering the application filed under Order 1 Rule 10 of CPC.

5. Under the circumstances, I am of the opinion that, the order impugned cannot be sustained. Accordingly, the following:

ORDER

(i) The writ petition is allowed;

(ii) The impugned order at Annexure-D dated 04.02.2026 passed on I.A.No.1 in MVC No.1318/2021 by the Motor Accident Claims Tribunal No.VI, at Vijayapura is quashed and the prayer made in I.A.No.1 filed by the petitioner is allowed;



(iii) The proposed respondent is at liberty to file its statement of objections before the Tribunal raising all contentions.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SVH
List No.: 1 Sl No.: 14
CT:PK