HC-KAR
NC: 2026:KHC:61885
WP No. 34417 of 2026
CNR: KAHC010756882026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 34417 OF 2026 (GM-AC)

BETWEEN:

1. THE MANAGER
   THE UNITED INDIA INSURANCE
   COMPANY. LTD, 305, ATCHAM
   MANSION SOUTHERN EXTENSION
   KOLLEGALA TOWN,
   CHAMARAJANAGARA DISTRICT-571 440
   REP. BY MANAGER, REGIONAL OFFICE,
   UNITED INDIA INSURANCE CO., LTD.,
   KRISHIK BHAVAN, 6TH AND 5TH FLOOR,
   HUDSON CIRCLE, BENGALURU-560001

...PETITIONER

(BY SRI. BENNI RAVISH CHANDRASHEKAR.,ADVOCATE)

AND:

1. SRI. VIJAY KUMAR R
   S/O LATE RAJASHEKARAPPA
   AGED ABOUT 64 YEARS,
   R/AT BRAMARAMBIKA NILAYA
   NEAR VENKATESHWARA SAW MILL
   BASAVESHWARA NAGARA
   KOLLEGALA TOWN -571 440.

2. SMT. RAMYA
   W/O SANTHOSH KUMAR. J
   AGED ABOUT 35 YEARS
   R/AT 8(434) 2ND FLOOR,
   4TH MAIN 2ND STAGE KHB COLONY

BASAVESHWARA NAGARA,
BANGALORE NORTH,
BANGALORE -560 079

3. SRI. MADAPPA K.M
S/O LATE PATE MARISWAMAPPA
AGED ABOUT 69 YEARS
R/AT BASAVESHWARA STREET
KINAKAHALLI VILLAGE
YELANDUR TALUK-571 442

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER DATED 11. 09-2026 VIDE AT ANNEXURE F AN L.A.NO.4 U/O 6 RULE 17 R/W SECTION 151 OF CPC FILED BY THE 3RD RESPONDENT/ PETITIONER IN MVC NO. 132/2022 PASSED BY THE SENIOR CIVIL JUDGE AND ADDL MACT, KOLLEGALA. BY ALLOWING THE ABOVE WRIT PETITION IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

> *"i) Issue a writ in the nature of certiorari quashing the order dated 11-09-2026 vide at ANNEXURE 'F' an I.A.No.4 U/O 6 Rule 17 R/W Section 151 of CPC filed by the 3nd respondent / petitioner in MVC No. 132/2022 passed by the SENIOR CIVIL JUDGE AND KOLLEGALA. By allowing the above writ ADDL MACT petition in the interest of justice and equity.*

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> *(ii) Pass such other and further order, direction, writ, that this Hon'ble court may pleased to deems to fit, pass an order, on such facts and circumstances of the case, in the interest of justice and equity."*

2. The petitioner - insurer being aggrieved by the rejection of the application for amendment of the written statement of 2026 filed in MVC No.132/2022 before the Court of Senior Civil Judge and JMFC., Kollegala (IA No.4) is before this Court seeking for the aforementioned reliefs.

3. The petitioner, who is arrayed as Respondent No. 3 in the claim proceedings, filed an application for amendment seeking to contend that the policy in question is a liability only policy and hence, the petitioner is not liable to pay the compensation that may be awarded by the Tribunal. The said application was rejected vide the impugned order dated 11.09.2026. Being aggrieved, the present writ petition is filed.

4. It is forthcoming that the Tribunal while rejecting the application of the petitioner held as under:

> "*6. **Point No.1:** On consideration the proposed amendment regarding the liability of the Insurance Company which ought to have been pleaded at the earliest stage. The applicant has not satisfactorily*

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explained the delay of about four years particularly when the trial has substantially progressed and the petitioner's evidence has been completed. It is also worth to note that production of the policy itself discloses its nature and therefore the proposed amendment is unnecessary and would not prejudice the Insurance Company if rejected. The proposed amendment is therefore not warranted at this belated stage and the Insurance Company would suffer no prejudice inasmuch as the policy is already on record and its terms can be considered in accordance with law. Therefore ***point No: 1 is answered in the negative."***

(Emphasis supplied)

5. It is noticed that the application for amendment is filed after four years and there was no reason explaining the delay for filing in the affidavit filed in support of the application.

6. The Tribunal has further noticed that by virtue of production of the policy, its terms could be considered in accordance with law. The Tribunal has recorded a finding that the proposed amendment is not warranted and the petitioner-insurer would suffer no prejudice by virtue of the rejection of the amendment.

7. Having regard to the findings recorded by the Tribunal, keeping in mind that the proceedings before the Tribunal are summary proceedings, no ground is made out by the petitioner

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to interfere with the impugned order dated 11.09.2026. Accordingly, the petition stands dismissed.

8. This order will not preclude the petitioner from raising all its contentions in the claim proceedings in accordance with law.

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(C.M. POONACHA)
JUDGE

BS
List No.: 1 Sl No.: 25