IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE THIRTEENTH DAY OF OCOTBER TWO THOUSAND AND TWENTY

:PRESENT: THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

I.A.NO.3 OF 2020 IN IA No. 2 OF 2020 IN MACMA NO: 393 OF 2020

I.A.NO.2 OF 2020

Between:

1. The National Insurance Co. ltd., Rep by its Branch Manager, D No. 29-10-10, Vijaya Complex, Opp to Nagadevi Theater, Rajamundry, East Godavari District.

2. The National Insurance Co. ltd., Rep by its Branch Manager, Sadguru Complex, H No. 2-3-184, II Floor, Kaman to Bus Stand Road, Karimnagar Dist.

...Petitioners/Appellants (Appellants in MACMA No. 393 OF 2020 on the file of High Court)

AND

1. Dadi Mailamma @ Mallavva, W/o. Mallaiah, Aged 49 Years, Household, R/o. Rukumapur Village of Choppadandi Mandal, Karimnagar District.

2. Dadi Mallaiah, S/o. Lasmaiah, Aged 52 Years, R/o. Rukumapur Village of Choppadandi Mandal, Karimnagar District.

3. K Ashok Kumar, S/o. Ramachandra, Aged 27 years, Driver of the lorry Bearing No. AP 37-TC-9549, R/o. H No. 2-54, Gollalagudur Village, Vemula Mandal, Cudapah District.

 Mada Nagasiva Lakshmi, W/o. Balamurali Krishna, Major, R/o. H No. 7-103, Rajakulavari Street, Bhimadole, West Godavari Dist. (R3 & R4 are not necessary parties)

...Respondents/Respondents (Respondents in-do-)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings including execution of decree in MVOP No. 242/2016 Dt. 8.1.2020 on the file of V Additional District Judge Cum Chairman, Motor Vehicle Accidents Tribunal, Karimnagar, pending disposal of MACMA No. 393 of 2020, on the file of the High Court.

I.A.NO.3 OF 2020

Between:

1. Dadi Mailamma @ Mallavva, W/o. Mallaiah, Aged 49 Years, Household, R/o. Rukumapur Village of Choppadandi Mandal, Karimnagar District.

2. Dadi Mallaiah, S/o. Lasmaiah, Aged 52 Years, R/o. Rukumapur Village of Choppadandi Mandal, Karimnagar District.

...Petitioners/Respondent No.1&2 (Respondents in MACMA No. 393 OF 2020 on the file of High Court)

AND

1. The National Insurance Co. ltd., Rep by its Branch Manager, D No. 29-10-10, Vijaya Complex Opp to Nagadevi Theater, Rajamundry, East Godavari District.

2. The National Insurance Co. ltd., Rep by its Branch Manager, Sadguru Complex, H No. 2-3-184, II Floor, Kaman to Bus Stand Road, Karimnagar Dist.Respondents/Petitioners/Appellants

3. K.Ashok Kumar, S/o. Ramachandra, Aged 27 years, Driver of the lorry Bearing No. AP 37-TC-9549, R/o. H No. 2-54, Gollalagudur Village, Vemula Mandal, Cudapah District.

 Mada Nagasiva Lakshmi, W/o. Balamurali Krishna, Major, R/o. H No. 7-103, Rajakulavari Street, Bhimadole, West Godavari Dist.
(Note: Respondents No.3 and 4 herein are not necessary parties to this petition and no notice is necessary)

...Respondents/Respondents No.3&4 (Respondents in-do-)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim stay order passed in IA.No.2 of 2020, dated 31.8.2020 in MACMA.No.393 of 2020, to enable petitioners herein/Respondent Nos.1&2 in the above MACMA to withdraw the amount of compensation awarded to us/the petitioners herein in the MVOP 242 of 2016 on the file of the learned V Additional District Judge-cum-Chairman, Motor Vehicle Accidents Tribunal at Karimnagar, pending disposal of MACMA No. 393 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 31.08:2020 made herein and upon hearing the arguments of Sri.P.Harinatha Gupta Advocate for Petitioners in IA.No.2 of 2020 and Respondents 1&2 in IA.No.3 of 2020 and Mr.Ramachander Rao Vemuganti Advocate for Petitioners in IA.No.3 of 2020 and Respondents 1&2 in IA.No.2 of 2020 the Court made the following

ORDER:

This application is filed to vacate the interim order dated 31.08.2020 passed in I.A. 2 of 2020 in MACMA No.393 of 2020 and permit the petitioners herein/respondent Nos.1 and 2 in the present appeal, to withdraw the amount deposited by the appellant-insurance company, to the credit of MVOP No.242 of 2016 on the file of the Motor Vehicles Accidents Claims Tribunal-cum- V Additional District Judge, Karimnagar.

Heard learned counsel for the petitioners/respondent Nos.1 and 2 - claimants and the Sri P.Harinath Gupta, learned standing counsel for the appellant-Insurance Company.

Having regard to the reasons stated in the accompanying affidavit, the petitioners – claimants are permitted to withdraw their proportionate share of the amount deposited together with costs and interest, to the credit of MVOP No.242 of 2016, pursuant to the interim order passed in I.A.No.2 of 2020 dated 31.08.2020, without furnishing any security. However, it is made clear that such withdrawal granted is without prejudice to the rights and contentions of both the parties in the appeal.

Subject to the above modification, the interim stay order dated 31.08.2020 is made absolute.

The application is ordered accordingly.

Sd/- LNAGA LAKSHMI ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

- 1. The Chairman, Motor Vehicle Accidents Claims Tribunal-cum-V Additional District Judge, Karimnagar
- 2. One CC to SRI. P HARINATH GUPTA Advocate [OPUC]
- 3. One CC to Mr.Ramachander Rao Vemuganti, Advocate (OPUC)
- 4. One spare copy

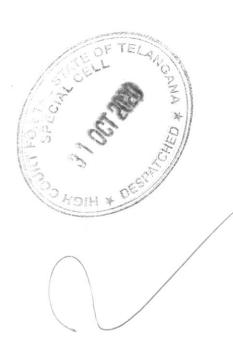
HIGH COURT

TVK,J

DATED: 13.10.2020

NOTE:POST THE APPEAL FOR HEARING IN THE REGULAR COURSE

I.A.NO.3 OF 2020 IN IA No. 2 OF 2020 IN MACMA NO: 393 OF 2020



DIRECTION