

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE TWENTY EIGHTH DAY OF AUGUST

TWO THOUSAND AND TWENTY THREE



:PRESENT:

THE HONOURABLE JUSTICE DR V R K KRUPA SAGAR

IA No. 2 OF 2023

IN

MACMA NO: 48 OF 2023

Between:

1. Bavisetty Veera Venkatewara Rao, S/o late Tata Rao, aged 25 years, 3-76, Gandhamvari Street, Taderu village, Bhimavaram Mandal, West Godavari District
2. Bavisetty Subrahmanyam, S/o late Tata Rao, aged 23 years, 3-76, Gandhamvari Street, Taderu village, Bhimavaram Mandal, West Godavari District.
3. Bavisetty Ramanjaneyulu, S/o late Tata Rao, aged 21 years, 3-76, Gandhamvari Street, Taderu village, Bhimavaram Mandal, West Godavari District.

Petitioners/Respondents 1-3

AND

1. The Oriental Insurance Company Ltd., Rep.by its Divisional Manager, Near Vinayaka Theatre, Eluru Road, Vijayawada.

Respondent/Petitioner

2. Nargna Venkata Durga Prasad, S/o Venkateswarlu, aged 27 years, Driver, R/o. Ramarajulanka village, Malkipuram Mandal, East Godavari District.
3. Borusu Uma Maheswara Rao, S/o. Venkata Brahma Nandam, Hindu, male, Owner of Tractor and trailer, R/o. Ramarajulanka village, Malkipuram Mandal, East Godavari District.

Respondents 4 & 5

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 permit the withdraw deposited amount in M.A.C.M.A.No.48 of 2023 in M.V.O.P No.60 of 2018 on the file of the Motor Accidents Claims Tribunal-Cum- III Additional District & Sessions Judge at Bhimavaram, Pending disposal of MACMA No. 48 of 2023, on the file of the High Court.

IA No. 1 OF 2023

Between:

M/S. The Oriental Insurance Company Ltd., Rep.by its Divisional Manager, Near Vinayaka Theatre, Eluru Road, Vijayawada

Appellant

AND

1. Bavisetty Veera Venkatewara Rao, S/o late Tata Rao, aged 25 years, 3-76, Gandhamvari Street, Taderu village, Bhimavaram Mandal, West Godavari District

2. Bavisetty Subrahmanyam, S/o late Tata Rao, aged 23 years, 3-76, Gandhamvari Street, Taderu village, Bhimavaram Mandal, West Godavari District.
3. Bavisetty Ramanjaneyulu, S/o late Tata Rao, aged 21 years, 3-76, Gandhamvari Street, Taderu village, Bhimavaram Mandal, West Godavari District.
4. Nargna Venkata Durga Prasad, S/o Venkateswarlu, aged 27 years, Driver, R/o. Ramarajulanka village, Malkipuram Mandal, East Godavari District.
5. Borusu Uma Maheswara Rao, S/o. Venkata Brahma Nandam, Hindu, male, Owner of Tractor and trailer, R/o. Ramarajulanka village, Malkipuram Mandal, East Godavari District.

Respondents

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 stay of all further proceedings in pursuance of the order and decree dt.27.10.2022 passed in MVOP No.60/2018 on the file of Motor Accident Claims Tribunal cum III Additional District Judge, Bhimavaram, West Godavari District, Pending disposal of MACMA No. 48 of 2023, 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 24.02.2023 made herein and upon hearing the arguments of Sri CHAKRADHARA RAJA Y, Advocate for the Appellants, and of Sri Krishnanand Vadakattu Advocate for the Respondent No.1, the Court made the following

ORDER

“By order dated 24.02.2022 in I.A.No.1 of 2023 this Court granted a conditional stay subject to making deposit of certain amounts before the lower Tribunal.

Learned counsel on both sides submit that the said condition was complied with and therefore, stay has been continued.

The present application is filed by the claimants seeking permission to withdraw the amounts that was deposited.

Heard learned counsel on both sides.

This petition is allowed and the claimants are entitled to withdraw the deposited amount without furnishing any security. ”

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

For /

SECTION OFFICER

To,

1. The Motor Accidents Claims Tribunal-Cum- III Additional District & Sessions Judge at Bhimavaram
2. The Divisional Manager, M/S. The Oriental Insurance Company Ltd., Near Vinayaka Theatre, Eluru Road, Vijayawada

3. Nargna Venkata Durga Prasad, S/o Venkateswarlu, aged 27 years, Driver, R/o. Ramarajulanka village, Malkipuram Mandal, East Godavari District.
4. Borusu Uma Maheswara Rao, S/o. Venkata Brahma Nandam, Hindu, male, Owner of Tractor and trailer, R/o. Ramarajulanka village, Malkipuram Mandal, East Godavari District. (2 to 4 by RPAD- along with a copy of petition and memorandum of grounds)
5. One CC to Sri Krishnanand Vadakattu Advocate [OPUC]
6. One CC to Sri G R SUDHAKAR Advocate [OPUC]
7. One CC to Sri CHAKRADHAR RAJA Y Advocate [OPUC]
8. One spare copy

HIGH COURT

DRKMR,J

DATED:28/08/2023

POST ON 24.03.2023

IA No. 2 OF 2023
IN
MACMA NO: 48 OF 2023

DIRECTION

