

[3365]

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 KRUPA SAGAR

IA No. 3 OF 2023

IN

MACMA NO: 73 OF 2023



Between:

Jogi Siva Krishna, S/o Rama Rao, Age 35 years Occ Transport Driver, R/o D.No.6-10, kattavaripalem, Yanamadurru Village, Bhimavaram Mandal, West Godavati District.

...Petitioner/Respondent No.1
(Petitioner in MACMA 73 OF 2023
on the file of High Court)

AND

1. The Oriental Insurance Company Ltd., Rep. by it's Deputy Manger, Near Vinayaka theatre, Eluru Road, Vijayawada.

Respondent/Petitioner

2. Chadalawada Suresh Babu,, S/o Hanumanthu Rao, Age 42 years, Occ Driver of Vignan School Bus bearing No.AP 37 TF 0604, Rio Alamapuram Village, Christianpeta, pentapadu Mandal, West Godavari district.
3. M/s. Vignan educational Society, rep by .G. Lakshmi Narayana, Occ owner of Vignan School Bus bearing No.AP 37 TF 0604, RJo Alamapuram Village, Pentapadu mandal, W.G.District.

...Respondents 2 & 3
(Respondents in-do-)

Petition under Section 151 CPC praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to permit the withdraw deposited amount in MACMA No. 73 of 2023 in MVOP No. 64 of 2018 order dt. 10-03-2023 on the file of the Motor Accidents Claims Tribunal Cum III Additional District and Sessions Judge at Bhimavaram and pass Pending disposal of MACMA No. 73 of 2023, on the file of the High Court. —

IA No. 2 OF 2023

Between:

The Oriental Insurance Company Ltd, Rep. by it's Deputy Manger, T.P Hub, Guttikonda Zoom Plaza, Near Vinayak theatre, Ring Road, Vijayawada-10

...Appellant/3rd Respondent
(Petitioner in MACMA 73 OF 2023
on the file of High Court)

AND

1. Jogi Siva Krishna, S/o Rama Rao, Age 35 years Occ Transport Driver, R/o D.No.6-10, kattavaripalem, Yanamadurru Village, Bhimavaram Mandal, West Godavati District.

...Respondent/Petitioner

2. Chadalawada Suresh Babu,, S/o Hanumanthu Rao, Age 42 years, Occ Driver of Vignan School Bus bearing No.AP 37 TF 0604, Rio Alamapuram Village, Christianpeta, pentapadu Mandal, West Godhavari district.

3. M/s. Vignan educational Society, rep by .G. Lakshmi Narayana, Occ owner of Vignan School Bus bearing No.AP 37 TF 0604, R/o Alamapuram Village, Pentapadu mandal, W.G.District.

(Respondent No.2 & 3 herein remain ex parte before the Tribunal)

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

Appeal under Order XLI Rule 5 of CPC is filed praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to stay all further proceedings of the Judgment and Decree dated 27-06-2022 passed in M.V.O.P No.64 of 2018 on the file of the Chairman Motor Vehicle Accidents Claims Tribunal- Cum - III Additional. District & sessions Judge, Bhimavaram or else the deponent herein will be put to irreparable loss and hardship, pending disposal of MACMA No.73 of 2023, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and the order of the High Court dated 10.03.2023 made herein and upon hearing the arguments of Sri CHAKRADHARA RAJA Y Advocate for the Appellants and of Sri V RAGHU Advocate for the Respondent No.1, the Court made the following

ORDER

"By order dated 10.03.2023 in I.A.No.2 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 claimant seeking permission to withdraw the amounts that was deposited.

Heard learned counsel on both sides.

This petition is allowed and the claimant is entitled to withdraw the deposited amount without furnishing any security. "

//TRUE COPY//

For

**Sd/- M. SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER**

To,

1. The Chairman Motor Vehicle Accidents Claims Tribunal- Cum - III Additional. District & sessions Judge, Bhimavaram
2. The Deputy Manger, Oriental Insurance Company Ltd., Near Vinayaka theatre, Eluru Road, Vijayawada.

3. Chadalawada Suresh Babu,, S/o Hanumanthu Rao, Age 42 years, Occ Driver of Vignan School Bus bearing No.AP 37 TF 0604, Rio Alamapuram Village, Christianpeta, pentapadu Mandal, West Godavari district.
4. M/s. Vignan educational Society, rep by .G. Lakshmi Narayana, Occ owner of Vignan School Bus bearing No.AP 37 TF 0604, RJo Alamapuram Village, Pentapadu mandal, W.G.District.(By RPAD)
5. One CC to SRI. V RAGHU Advocate [OPUC]
6. One CC to SRI. CHAKRADHARA RAJA Y Advocate [OPUC]
7. One spare copy.

psk

HIGH COURT

DR VRKSJ

DATED:28/08/2023

LIST IN THE USUAL COURSE

ORDER

**IA No. 3 OF 2023
IN
MACMA NO: 73 OF 2023**

DIRECTION

