

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

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MAIN CASE No: MACMA.No.235 of 2024

PROCEEDING SHEET

<u>SL. NO.</u>	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
03.	25.10.2024	<u>BSB, J</u> <u>I.A.No.1 of 2024</u> This petition is filed to condone the delay of 106 days in filing the appeal against the decree and judgment passed in M.V.O.P.No.586 of 2017 on the file of the Chairman, Motor Accidents Claims Tribunal-Cum-X Additional District and Sessions Court, East Godavari at Rajamahendravaram, dated 25.07.2023. The learned counsel for the petitioner submitted that already notices were served on respondents No.1 and 2, the 3rd respondent, being minor, is represented by 1st respondent, yet there is no appearance for them. He further submitted that notices sent to respondents No.4 and 5 were returned unserved with the endorsement 'addressee left without instructions', and the notice sent to 6th respondent was returned unserved with the endorsement 'insufficient address', but, all of them were sent to the addresses as given	Contd...

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	25.10.2024	before the tribunal, and therefore, service of notice to them is deemed to be sufficient. He further submitted that the 6th respondent herein/4th respondent before the tribunal remained ex-parte. He further submitted that the proof of service has been submitted to this Court vide memo dated 18.06.2024. For the reasons stated in the accompanying affidavit, the petition is allowed. B.S. BHANUMATHI, J <u>I.A.No.2 of 2024</u> This petition is filed to stay all further proceedings pursuant to the decree and judgement dated 25.07.2023 passed in M.V.O.P.No.586 of 2017 on the file of the Chairman, Motor Accidents Claims Tribunal-Cum-X Additional District and Sessions Court, East Godavari at Rajamahendravaram. The learned counsel for the petitioner submitted that the petitioner/appellant disputes the liability as the deceased was an unauthorized, gratuitous passenger travelling in a goods vehicle, and no premium was collected for any passenger in the goods vehicle which is	Contd...

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	25.10.2024	insured by the appellant and that the policy of insurance is only a third-party policy. He further submitted that the respondents No.1 to 3/claimants already instituted execution proceedings vide E.P.No.27 of 2024 and got the account of the appellant freezed and at any moment, the amount may be sent by the garnishee to the execution court and thereby the amount may be withdrawn by the claimants. In the light of the contentions stated in the affidavit and the submissions noted above, interim stay is granted on the condition that the petitioner/appellant shall deposit 50% of the amount as per the decree, within eight (08) weeks from the date of this Order, failing which the interim stay granted gets vacated without any further orders. B.S. BHANUMATHI, J <u>MACMA.No.235 of 2024</u> Admit appeal. Registry is directed to call for lower Court record. List on 29.11.2024. B.S. BHANUMATHI, J K M S	