

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE TWENTY FIFTH DAY OF OCTOBER

TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

IA No. 2 OF 2024

IN

MACMA NO: 235 OF 2024



Between:

Shriram General Insurance Company Limited, Rep. by its branch
Manager, Jayasree Gardens Rajamahendravaram,
Rajamahendravaram.

...Petitioner/Appellant

(Petitioner in MACMA 235 OF 2024

on the file of High Court)

AND

1. Chavatapalli Rama Lakshmi, W/o.Late Govindu, aged 37 years, Hindu, Female, occupation-house wife, R/o.D.No.9-1-080, 2nd cross road, UKV Nagar, Puducherry, Yanam, 533434, Yanam DFMC.
2. Chavatapalli Puma, D/o.late Govindu, Aged 23 years, Hindu, Female, occupation Nil, R/o.D.No.9-1-080, 2nd cross road, UKV Nagar, Puducherry, Yanam, 533434, Yanam DFMC.
3. Chavatapalli Sai Chandana, D/o.Late Govindu, Aged 17 years, Hindu, female, Occupation-Student, R/o.D.No.9-1-080, 2nd cross road, UKV Nagar, Puducherry, Yanam, 533434, Yanam DFMC (3rd petitioner being minor rep by her mother and natural guardian 1st petitioner Chavatapalli Rama Lakshmi)

Respondents/Claimants

4. Uttarabilli Pydiraju @ Raju, S/o.Adinarayana, Aged 37 years, Hindu, Male, Driver of TATA Ace Van bearing Reg No. AP 05 TX 7235, R/o. D. No. 7-11 -099, Old Rajiv Nagar, Yanam, Pudicherry.

5. Tota Manga Devi, W/o.Nageswararao, Aged 46 years, Hindu, Female, Owner of TATA Ace Van bearing No. AP 05 TX 7235, R/o.D.No.3-12, Thota Vari Street, Sunkarapalem Yanam, Pondicherry.
6. Chavatapalli Pattabhi Ramayya, S/o.Ramaswamy, Aged 80 years, Hindu, Male, occupation Nil, R/o.C/o.Apparao, Costal Bank Manager, Vemagiri Metta, Kadiyam Village.

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

Counsel for the Petitioners :SRI GUDI SRINIVASU

Counsel for the Respondent :--

Petition under Order XLI – Rule-5 & Under Sec. 151 of 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 pursuant to the decree and judgment dated the 25th day of July, 2023 passed M.V.O.P.No.586 of 2017 on the file of the Chairman, Motor Accidents Claims Tribunal-Cum- X Addl District and Sessions Court, East Godavari at Rajamahendravaram, including execution proceedings, Pending disposal of MACMA No. 235 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

“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 TribunalCum-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 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.”

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For A

To,

1. The Chairman, Motor Accidents Claims Tribunal-Cum- X Addl District and Sessions Court, East Godavari at Rajamahendravaram
2. Chavatapalli Rama Lakshmi, W/o.Late Govindu, aged 37 years, Hindu, Female, occupation-house wife, R/o.D.No.9-1-080, 2nd cross road, UKV Nagar, Puducherry, Yanam, 533434, Yanam DFMC.
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R/o.D.No.3-12, Thota Vari Street, Sunkarapalem Yanam,
Pondicherry.

6. Chavatapalli Pattabhi Ramayya, S/o.Ramaswamy, Aged 80 years,
Hindu, Male, occupation Nil, R/o.C/o.Apparao, Costal Bank
Manager, Vemagiri Metta, Kadiyam Village. (Addressee Nos.2 to 6
By RPAD)
7. One CC to SRI. GUDI SRINIVASU Advocate [OPUC]
8. The Section Officer, CMA Section, High Court of AP, Amaravati
9. **One spare copy**

KJ

HIGH COURT

BSB,J

DATED:25/10/2024

LIST ON 29.11.2024.

ORDER

IA No. 2 OF 2024

IN

MACMA.No.235 of 2024

INTERIM STAY

