

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE EIGHTEENTH DAY OF JULY,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

IA No. 2 OF 2024

IN

MACMA NO: 454 OF 2024

Between:

Bajaj Allianz General Insurance Company Limited, represented by its
authorized signatory, D.No.58-8-13(2), GNR Complex, Opposite to
Rajamathadevi Towers, Santhapeta, Ongole.

...Appellant/Respondent No.2

(Petitioner in MACMA 454 OF 2024
on the file of High Court)

AND

1. Gopidesi Alluraiah @ Avulaiah, S/o Rajaiah @ Rajanna, Aged 56 years,
R/o Nadigadda Village, Tripuranthakam Mandal, Prakasam District.
2. Gopidesi Kondamma, W/o Alluraiah @ Avulaiah, Aged about 54 years,
R/o Nadigadda Village, Tripuranthakam Mandal, Prakasam District.

...Respondents/Petitioners

3. Yalla Venkateswara Rao, S/o Ramanjaneyulu, Owner of the auto AP 27
W 8386, D.No. 4-515 A1, Ekalavya Colony, Markapur Town and
Mandal, Prakasam District.

...Respondent/Respondent No.1

(Respondents in-do-)

Counsel for the Petitioner : M/s T.V.SRI DEVI

Counsel for the Respondent : ---

Petition under Section 151 CPC is filed 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 Award and Decree dt 29.01.2024 in



M.V.O.P.No.297 of 2018 before the Motor Accidents Claims Tribunal (VIII Additional District Court) Ongole, pending disposal of MACMA No.454 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 application is filed to grant stay of execution of the award and decree dated 29.01.2024 passed in M.V.O.P.No.297 of 2018 on the file of Court of Motor Accidents Claims Tribunal (VIII Additional District Court), Ongole.

Heard the learned counsel for the appellant/respondent No.2.

The learned counsel for the petitioner submitted that the tribunal though observed that the deceased was unauthorized passenger in a goods vehicle, erroneously awarded compensation and further that the driver of the insured vehicle has not possessed a valid license. It is also submitted that the compensation was awarded under Section 163-A of the Motor Vehicles Act, by adopting the multiplier method. She further submitted that no pay and recovery is also ordered.

Considering the facts and circumstances of this case and the arguments advanced, interim stay is granted on the condition that the appellant/respondent shall deposit 50% of the awarded 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.”

//TRUE COPY//

For

Sd/- B. CHITTI JOSEPH
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Chairman, Motor Accidents Claims Tribunal (VIII Additional District Court) Ongole
2. Gopidesi Alluraiah @ Avulaiah, S/o Rajaiah @ Rajanna, R/o Nadigadda Village, Tripuranthakam Mandal, Prakasam District.
3. Gopidesi Kondamma, W/o Alluraiah @ Avulaiah, R/o Nadigadda Village, Tripuranthakam Mandal, Prakasam District.
4. Yalla Venkateswara Rao, S/o Ramanjaneyulu, Owner of the auto AP 27 W 8386, D.No. 4-515 A1, Ekalavya Colony, Markapur Town and Mandal, Prakasam District. (Addressee Nos.2 to 4 by RPAD)
5. One CC to M/s T.V.Sri Devi, Advocate [OPUC]
6. One spare copy

MM

HIGH COURT

BSB,J

DATED:18/07/2024

POST ON 22.08.2024

ORDER

IA.No.2 OF 2024
IN
MACMA.No.454 of 2024

DIRECTION

