

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
SATURDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:
THE HONOURABLE DR JUSTICE K MANMADHA RAO



IA No. 3 OF 2023
IN
MACMA NO: 401 OF 2023

Between:

The Oriental Insurance Company Ltd., Rep. by its Branch Manager, Branch Office,
Nellore.

✓ ...Petitioner

AND

1. Katta Siva Nagulu, W/o Late K. Nagababu, Aged 31 years, Occ. Housewife.
2. Katta Venkata Gotham, S/o Late Nagababu, Aged 6 years, Minor.
3. Katta Navya, D/o Late Nagababu, Aged 8 years, Minor.
4. Katta Suseela, W/o Late Thirupathaiah, Aged 52 years.

**R2 and R3 minors being Rep. by their mother cum natural guardian,
Respondent No. 1 herein. All are R/o Chinalatrapi Village, Gudluru
Mandal, Prakasam District.**

5. Gangadhar Maha Patra, S/o Gorachand Maha Patra, Aged Major, Driver of
Force Tempo, R/o Basantia, Gobindabera, Barpurba, Medinpur Basintia,
West Bengal-721442.
6. Bhola Pattanyak, Proprietor, M/s. Snemita Parisheba, Aged Major, Owner of
Force Tempo bearing No. OD 01 AF 2613, C/o Maheswar Panda, R/o
Gajipur, Chandaneswar, Bhogirai District, Baleshwar, Odisha State.

...Respondents

Counsel for the Petitioner

:SRI M SOLOMON RAJU

Counsel for the Respondent Nos.1 to 4 :M S R CHANDRA MURTHY

Petition under Section 151 of 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 operation of Decree and Order dated 06.09.2022 passed in M.V.O.P No. 349 of 2020 on the file of III Additional Motor Vehicles Accidents Claims Tribunal cum III Addl. District Judge, Nellore, Pending disposal of MACMA No. 401 of 2023, 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 operation of Decree and Order dated 06.09.2022 passed in M.V.O.P. No.349 of 2020, on the III Additional Motor Accidents Claims Tribunal Nellore, SPSR Nellore District.

Heard both sides.

For the reasons stated in the accompanying affidavit filed in support of this application, this I.A. is allowed and there shall be an interim stay of execution of Decree dated 06.09.2022, passed in M.V.O.P.No.349 of 2020, on the III Additional Motor Accidents Claims Tribunal Nellore, SPSR Nellore District, subject to condition that the appellant deposits 50% of the decretal amount along with proportionate costs and interest to the credit of the above O.P. within a period of eight (08) weeks from today. Failing which, the Stay shall stand vacated without further reference of the Court. Further the respondents are permitted to withdraw the share compensation which was deposited by the petitioner/appellant in terms of award of the Tribunal.

Sd/- M. PADMALATHA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For ASSISTANT REGISTRAR

To,

1. The III Additional Motor Accidents Claims Tribunal, Nellore, SPSR Nellore District.
2. Katta Siva Nagulu, W/o Late K. Nagababu, Aged 31 years, R/o Chinalatrapi Village, Gudluru Mandal, Prakasam District
3. Katta Venkata Gotham, S/o Late Nagababu, Aged 6 years, **(being Minor Represented by his Mother cum natural guardian Respondent No.1 R/o Chinalatrapi Village, Gudluru Mandal, Prakasam District)**
4. Katta Navya, D/o Late Nagababu, Aged 8 years**(being Minor Represented by her Mother cum natural guardian Respondent No.1 R/o Chinalatrapi Village, Gudluru Mandal, Prakasam District)**
5. Katta Suseela, W/o Late Thirupathaiah, R/o Chinalatrapi Village, Gudluru Mandal, Prakasam District
6. Gangadhar Maha Patra, S/o Gorachand Maha Patra, Driver of Force Tempo, R/o Basantia, Gobindabera, Barpurba, Medinpur Basintia, West Bengal- 721442.
7. Bhola Pattanyak, Proprietor, M/s. Snemita Parisheba, Owner of Force Tempo bearing No. OD 01 AF 2613, C/o Maheswar Panda, R/o Gajipur, Chandaneswar, Bhogirai District, Baleshwar, Odisha State.**(Addressees 1 to 7 By RPAD)**
8. One CC to SRI. M SOLOMON RAJU Advocate [OPUC]
9. One CC to SRI. M S R CHANDRA MURTHY Advocate [OPUC]
10. One spare copy

HIGH COURT

Dr.KMR,J

DATED:04/11/2023

NOTE: POST THE MATTER ON 10.01.2023.

ORDER

IA No. 3 OF 2023
IN
MACMA NO: 401 OF 2023

INTERIM STAY

