



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3311]

FRIDAY ,THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MS JUSTICE B S BHANUMATHI

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 161/2023

Between:

M/s.united India Insurance Company Ltd

...APPELLANT

AND

C Reddamma and Others

...RESPONDENT(S)

Counsel for the Appellant:

1.MAHESWARA RAO KUNCHEAM

Counsel for the Respondent(S):

1.O UDAYA KUMAR

The Court made the following:

HIGH COURT OF ANDHRA PRADESH**17****MAIN CASE NO: MACMA No.161 of 2023****PROCEEDING SHEET**

Sl. No.	Date	ORDER	OFFICE NOTE
	20.09.2024	<p><u>BSB, J</u></p> <p style="text-align: center;"><u>I.A.No. 1 OF 2023</u></p> <p>This petition is filed under Section 151 CPC to condone the delay of 66 days in filing the present appeal against the Award and Decree dt. 16.08.2022 passed in M.V.O.P.No. 106 of 2018 on the file of the court of M.A.C.T-Cum-V Addl. District Judge, Tirupati.</p> <p>Learned counsel for R-1 to R-3 reported no counter.</p> <p>R-4 has not made appearance.</p> <p>Notice sent to R-5 was returned unserved with the endorsement 'addressee cannot be located and no such person at the place and returned to sender'.</p> <p>As such, further notice to R-5 is dispensed with.</p> <p>For the reasons stated in the accompanying affidavit, the petition is allowed.</p> <p style="text-align: right;">_____ B.S.BHANUMATHI,J</p> <p style="text-align: center;"><u>I.A.No.2 of 2024</u></p> <p>This petition is filed to declare the Respondent No. 3 (C. Sudharsan @ Sudarshan) as a major consequently permit the petitioner to prosecute the</p>	

appeal in M.A.C.M.A.No.161 of 2023.

The 1st respondent/appellant reported no counter. Respondents no.2 and 3 are co-claimants with the petitioner. R-4 and R-5/R-1 and R-2 remained *ex parte* before the Tribunal. However, notice was served on R-4 and the notice sent to R-5 was returned unserved with the endorsement 'addressee cannot be located and no such person at the place and returned to sender'.

As such, further notice to R-5 is dispensed with.

For the reasons stated in the accompanying affidavit, as the petitioner became major, the petition is allowed.

Registry is directed to get the appropriate entry made.

B.S.BHANUMATHI,J

I.A .No.1 OF 2024

This petition is under Section 151 CPC to permit the petitioner i.e C. Sudharsan @ Sudarshan Respondent No. 3 to withdraw his share of deposited amount by Respondent/Appellant credited in M.V.O.P.No. 106 of 2018 before the MACT-cum-V Additional District Judge,Tirupati pursuant to the orders of this Hon'ble Court dated 21.04.2023 passed in I.A.No. 2 of 2023 in M.A.C.M.A.No.161 of 2023.

The petitioner is declared as major vide orders dated 20.09.2024 in I.A.No.2 of 2024.

The learned counsel for the 1st respondent/appellant reported no counter.

The learned counsel for the petitioners stated that the other claimants filed similar petition vide I.A.No.3 of 2023 and they were permitted to withdraw their part of share on 06.07.2023 and similarly the petition may also be permitted.

In view thereof, the petition is allowed and the petitioner is permitted to withdraw the amount of his share with proportionate interest and costs deposited by the 1st respondent, without furnishing any security, however subject to result of the appeal.

B.S.BHANUMATHI,J

MACMA No.161 of 2023

Admit.

Registry is directed to call for the lower court record.

Post after two (2) months.

B.S.BHANUMATHI,J

PNV