

[3365]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE JUSTICE DR V R K KRUPA SAGAR

IA No. 2 OF 2023

IN

MACMA NO: 392 OF 2023

Between:

Shriram General Insurance Company Limited, Rep. by its Legal Manager, TP
Claims, E-8, EPIP, RIICO Industrial Area, (Near MKM College), Sitapura, Jaipur-302
022, Rajasthan State

...Petitioner/Appellant
(Petitioner in MACMA 392 OF 2023
on the file of High Court)

AND

1. Shaik Vannur Vali, S/o Shaik Hussain Vali, aged 26 years, Auto Driver, Muslim,
2. Shaik Rajiya Begum, W/o Shaik Vannur Vali, aged 25 years, Housewife, Muslim,
Both are residents of H.No.2-55, Ungaranugundla Village, Dhone Mandal, Kurnool District-518 225
3. Dudekula Hussain, S/o Not Known, Major, Owner of the vehicle, Muslim, R/o H.No.3-42, Near Bus-Stop, Jaladurgam Village, Peapully Mandal, Kurnool District-518 225
4. K.Subbarayudu, S/o K.Naganna, Aged 41 years, Driver, Hindu, R/o H.No.9-2-7-5, Srinivasa Nagar, Dhone Town and Mandal, Kurnool District-518 225
(Respondent No. 4 is not necessary party)

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

Counsel for the Petitioner : Smt. A JAYANTHI

Counsel for the Respondent :

Petition under Section XLI Rule 5 (1) of CPC praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings dated 14.12.2022 passed in MVOP No.357 of 2021 on the file of the Chairman, Motor Accidents Claims Tribunal -Cum- VII Additional District Judge, Kurnool including execution proceedings, Pending disposal of MACMA No. 392 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

"Heard the learned counsel. Perused the record.

Having regard to the facts, submissions and the issues raised for consideration in the grounds of appeal, which require a detailed examination,

there shall be interim stay of execution of the Order and decree, dated 14.12.2022, passed in M.V.O.P.No.357 of 2021 on the file of Chairman, Motor Accident Claims Tribunal - cum- VII Additional District Judge, Kurnool subject to the condition that the appellant/Shriram General Insurance Company Limited, Sitapura, Jaipur, Rajasthan State shall deposit 25% of the entire decretal amount with proportionate interest and costs within a period of eight (8) weeks from today.

On such deposit, respondent Nos.1 and 2 /claimant Nos.1 and 2 are permitted to withdraw 25% of the compensation in terms of the decree with proportionate interest and costs by following the procedure established by law, however, without prejudice to the rights and contentions of both the parties in the appeal."

//TRUE COPY//

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR
SECTION OFFICER

For /

To,

1. The Chairman, Motor Accident Claims Tribunal - cum- VII Additional District Judge, Kurnool.
2. Shaik Vannur Vali, S/o Shaik Hussain Vali, aged 26 years, Auto Driver, Muslim, R/o. H.No.2-55, Ungaranugundla Village, Dhane Mandal, Kurnool District-518 225.
3. Shaik Rajiya Begum, W/o Shaik Vannur Vali, aged 25 years, Housewife, Muslim, R/o. H.No.2-55, Ungaranugundla Village, Dhane Mandal, Kurnool District-518 225.
4. Dudekula Hussain, S/o Not Known, Major, Owner of the vehicle, Muslim, R/o H.No.3-42, Near Bus-Stop, Jaladurgam Village, Peapully Mandal, Kurnool District-518 225(Addressess 2 to 4 By RPAD)
5. One CC to SRI. A JAYANTHI Advocate [OPUC]
6. One spare copy.

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HIGH COURT

DR VRKS,J

DATED:29/08/2023

LIST IN THE USUAL COURSE UNDER THE CAPTION "FOR HEARING"

ORDER

IA No. 2 OF 2023
IN
MACMA NO: 392 OF 2023

INTERIM STAY

