

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE : MACMA.No.359 of 2024

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PROCEEDING SHEET

Sl. No	Date	ORDER	OFFICE NOTE
	27.06.2024	<u>BSB, J</u> Notice to the respondents. Learned counsel for the petitioner is permitted to take out personal service of notice to the respondents through RPAD and file proof thereof. Post on 08.08.2024. B.S.BHANUMATHI, J <u>I.A.No.1 of 2024</u> This petition is filed to stay of all the further proceedings in MVOP No.530 of 2017 on the file of the court of Chairman, Motor Accident claims Tribunal-cum-VII Additional District Judge, Vijayawada, Krishna District including that of withdrawal of an amount if any deposited pending disposal of the MACMA. The learned counsel for the petitioner submitted that the deceased was travelling as a gratuitous passenger and the policy does not cover the liability of the gratuitous passengers, yet, the Tribunal awarded the compensation with joint and several liability even against the insurance	

	company. He further submitted that the seating capacity is only three, which includes the driver, one cleaner and one person and thus there is no liability to the petitioner. He has drawn the attention of this Court to the contents of the FIR to indicate that the deceased was sitting in the trailer in which case they would be no liability to the insurance company, according to the petitioner. Perused the record. The petitioner collected Rs.75/- towards free non-fair paying passenger (non-employee) with limited legal liability. In view of the same and in the light of the submissions made by the learned counsel for the petitioner, a conditional interim order can be passed. Accordingly, interim stay is granted, subject to condition of deposit of 75% of the compensation amount as per the decree, before the Tribunal within four (4) weeks from the date of receipt of the copy of the order, failing which the stay gets vacated without an further order. B.S.BHANUMATHI, J PNV	
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