

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**THURSDAY, THE TWENTY SEVENTH DAY OF JUNE,
TWO THOUSAND AND TWENTY FOUR**

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

IA No. 1 OF 2024

IN

MACMA NO: 359 OF 2024



Between:

United India Insurance Company Ltd, Rep by its Divisional Manager,
Vijayawada-1 through its Manager, Motor TP Services Hub, VRO, Divisional
Office, 2nd Floor. RR Appa Rao Street, One Town, Vijayawada-1.

...Petitioner/

Appellant

(Petitioner in MACMA 359 OF 2024

on the file of High Court)

AND

1. Rayapati Beby, W/o. Late Raju Aged 40 yrs, Occ: Household,
2. Rayapati Vijaya, D/o. Late Raju Aged 27 yrs, Occ: Not known to appellant
3. Rayapati Lakshminarayana, D/o. Late Raju Aged 26 yrs, Occ Not known to appellant
4. Rayapati Peda Satyanarayana, S/o. Bucchi Raju Aged 89 yrs, Occ Not known to appellant

...Respondents/

Petitioners

5. Rayapati Seetharatnam, W/o. Peda Satyanarayana Aged 78 yrs, Occ Not known to appellant

R1 to R5 all are R/o. H.No. 3-118 Keshavaram (V) and (M) Alamanuru (JCJ),
East Godavari District.

6. Shaik Kareemulla, S/o. Baji Aged 37 yrs, Occ Driver

...Respondent/1st Respondent

7. Surapaneni Suresh, S/o. Nageswara Rao, Aged 47 yrs, Occ: Owner of AP31 TU 3899 Flat 501, Vasantha Towers, D.No.40-2-3/6, Patamalanka Vijayawada-13.

...Respondent/2nd Respondent

(Respondents in-do-)

Counsel for the Petitioner : SRI V.VEERABHADRA CHARY

Counsel for the Respondent : ---

Petition under Order XLI Rule 5, read with 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 pass an order to stay of all further proceedings in the MVOP No.530/2017 on the file of the Chairman, Motor Accident Claims Tribunal-cum-VII Addl. District Judge, Vijayawada, Krishna District including that of withdrawal of an amount if any deposited, pending disposal of MACMA No.359 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 petition is filed to stay of all 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 included 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."

//TRUE COPY//

SD/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

For /

SECTION OFFICER

To,

1. The Chairman, Motor Accident Claims Tribunal-cum-VII Addl. District Judge, Krishna District
2. Rayapati Beby, W/o. Late Raju, R/o. H.No. 3-118 Keshavaram (V) and (M) Alamanuru (JCJ), East Godavari District.
3. Rayapati Vijaya, D/o. Late Raju, R/o. H.No. 3-118 Keshavaram (V) and (M) Alamanuru (JCJ), East Godavari District.
4. Rayapati Lakshminarayana, D/o. Late Raju, R/o. H.No. 3-118 Keshavaram (V) and (M) Alamanuru (JCJ), East Godavari District.
5. Rayapati Peda Satyanarayana, S/o. Bucchi Raju, R/o. H.No. 3-118 Keshavaram (V) and (M) Alamanuru (JCJ), East Godavari District.
6. Rayapati Seetharatnam, W/o. Peda Satyanarayana, R/o. H.No. 3-118 Keshavaram (V) and (M) Alamanuru (JCJ), East Godavari District.

7. Shaik Kareemulla, S/o. Baji, D.No.22-10, West Ibarhimpatnam (v) and (m), Krishna District.
8. Surapaneni Suresh, S/o. Nageswara Rao, Flat 501, Vasantha Towers, D.No.40-2-3/6, Patamalanka Vijayawada-13. (Addressee Nos.2 to 8 by RPAD)
9. One CC to Sri. V.Veerabhadra Chary, Advocate [OPUC]
10. One spare copy

MM

HIGH COURT

BSB,J

DATED:27/06/2024

ORDER

NOTE: POST ON 08.08.2024

IA.No.1 OF 2024
IN
MACMA.No.359 of 2024

INTERIM STAY

