

**HIGH COURT OF ANDHRA PRADESH : AMARAVATHI**

**MAIN CASE No.: M.A.C.M.A. No. 319 of 2023**

**PROCEEDING SHEET**

<b>Sl. No</b>	<b>DATE</b>	<b>ORDER</b>	<b>OFFICE NOTE</b>
02	08.09.2023	<p><b><u>Dr.VRKS,J</u></b></p> <p style="text-align: center;"><b><u>I.A.No.1 of 2023</u></b></p> <p>Learned counsel for the appellant and learned counsel for respondent No.1 are in attendance.</p> <p>Notice was served on respondent No.2. None entered appearance.</p> <p>Notice for respondent No.3 came returned unserved with a postal endorsement that there is no such person in that address.</p> <p>Learned counsel for the petitioner submits that is the same address as available in the impugned award and therefore, the same may be considered as sufficient. Service is held sufficient. None entered appearance. He Set <i>ex parte</i>.</p> <p>Heard the learned counsel on both sides.</p> <p>Perused the record.</p> <p>This application is filed under Section 5 of the Limitation Act seeking to condone 196 days delay in presenting the miscellaneous appeal by the Insurer.</p> <p style="text-align: right;"><b>P.T.O.</b></p>	

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Administrative snags are stated to be cause of delay since facts are not disputed, cause assigned is considered as sufficient and accordingly, delay is condoned.

In the result, this application is allowed.

**M.A.C.M.A. No. 319 of 2023**

Heard the learned counsel for the petitioner.

Perused the record.

Admit.

**I.A.No.2 of 2023**

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 05.07.2023, passed in M.V.O.P.No. 86 of 2015 on the file of Chairman, Motor Accident Claims Tribunal-cum- I Additional District Judge, Krishna, Machilipatnam subject to the condition that the appellant/respondent No.3- M/s. Shriram General Insurance Company Limited, Vijayawada shall deposit 50% of the entire decretal amount with proportionate interest and costs within a period of eight (8) weeks from today.

**P.T.O.**

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		<p>On such deposit, petitioner/claimant is permitted to withdraw 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.</p> <p>Notice to respondent No.1.</p> <p>List the matter in the usual course.</p> <p style="text-align: right;"><u>Dr.VRKS,J</u></p> <p>SR</p>	
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