

[3365]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE NINETEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE JUSTICE DR V R K KRUPA SAGAR

IA No. 4 OF 2023

IN

MACMA NO: 376 OF 2023



Between:

Pydi Kalavathi, W/o Mukundarao, Aged. 61 years, Occ. House hold duties, R/o.
D.No.1-246, Tamminaidupeta Village, Fareedpeta Post, Gujarathipeta Via,
Etcherla Mandal, Srikakulam District-532 410.

...Appellant/Respondent/Petitioner
(Petitioner in MACMA 376 OF 2023
on the file of High Court)

AND

1. Reliance General Insurance Company LTD., Represented by its Branch Manager, 403, Eswar Paradise, Dwarakanagar, Main Road, Visakhapatnam City and District
Appellant/Petitioner/Respondent
2. Pydi Rajyalakshmi, W/o Late Vijayakrishna, Aged. 28 years, Occ. House hold duties, R/o. D.No.1-246, Tamminaidupeta Village, Fareedpeta Post, Gujarathipeta Via, Etcherla Mandal, Srikakulam District-532 410.
3. Pydi Renuka Priya, D/o Late Vijayakrishna, Aged. 5 years, R/o. D.No.1-246, Tamminaidupeta Village, Fareedpeta Post, Gujarathipeta Via, Etcherla Mandal, Srikakulam District-532 410. (Respondent no-2 being minor is rept. by her Mother and natural guardian, Respondent no-1)
4. Mattireddy Jagadesh, S/o Suryanarayana, Aged. 26 Years, Occ. Driver of Auto bearing no.AP 30 W 3294, R/o. 4th Line, Bavajinagar Colony, Balaga, Srikakulam-532 001.
5. Pothala Kumari, W/o Late Suryanarayana, Aged. 47 Years, Occ. Owner of Auto bearing no.AP 30 W 3294, R/o. 4th Line, Bavajinagar Colony, Balaga, Srikakulam-532 001.

...Respondents
(Respondents in-do-)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit me to withdraw my proportionate share of amount as per the decree and order of the tribunal below out of the amount deposited by the Appellant / Insurance Company pursuant to the orders of this Hon'ble Court dated 28-08-2023 in IA 3 / 2023 in MACMA NO: 376/2023 in the interest of justice, Pending disposal of MACMA No. 376 of 2023, on the file of the High Court.

IA 3 / 2023 in MACMA NO: 376/2023:

Between:

Reliance General Insurance Company LTD., Represented by its Branch Manager, 403, Eswar Paradise, Dwarakanagar, Main Road, Visakhapatnam City and District.

...Petitioner(s)
(Petitioner in MACMA 376 OF 2023
on the file of High Court)

AND

1. Pydi Rajyalakshmi, W/o Late Vijayakrishna, Aged. 28 years, Occ. House hold duties, R/o. D.No.1-246, Tamminaidupeta Village, Fareedpeta Post, Gujarathipeta Via, Etcherla Mandal, Srikakulam District-532 410.
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5. Pydi Kalavathi, W/o Mukundarao, Aged. 61 years, Occ. House hold duties, R/o. D.No.1-246, Tamminaidupeta Village, Fareedpeta Post, Gujarathipeta Via, Etcherla Mandal, Srikakulam District-532 410.

...Respondent(s)
(Respondents in-do-)

Petition under Section 151 of 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 grant stay of operation of decree and judgement dated 12-07-2022 in M.V.O.P.No.360 of 2018 on the file of Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge, at Srikakulam, Pending disposal of MACMA No. 376 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 28-08-2023 in IA 3 / 2023 in MACMA NO: 376/2023 and upon hearing the arguments of Sri K.Jyothi Prasad, Advocate for the Petitioner (Respondent No.5 in IA 3 / 2023 in MACMA NO: 376/2023) , Sri Harinath Reddy Soma Advocate for the Respondent No.1 (Petitioner in IA 3 / 2023 in MACMA NO: 376/2023) and of Sri Aravala Rama Rao Advocate for the Respondent Nos. 2 & 3 (Respondent Nos. 1 & 2 in IA 3 / 2023 in MACMA NO: 376/2023), the court made the following

ORDER

“This application is filed by the owner of the claimants who is respondent No.5 in this appeal.

By virtue of order dated 28.08.2023 in I.A. No.3 of 2023 appellant insurance company deposited certain amount in the claimants account. The present application is filed by one of the claimants by name Smt. Radika, seeking permission withdraw her share of amount.

No objections are raised, the application is allowed.

Smt. Radika, is permitted to withdraw her share of amount that is lying before the Claims Tribunal on furnishing personal bond without requirement of any further security.

Accordingly the application is allowed. ”

//TRUE COPY//

Sd/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, Srikakulam.
2. The Branch Manager, Reliance General Insurance Company Ltd, 403, Eswar Paradise, Dwarakanagar, Main Road, Visakhapatnam City and District.
3. Pydi Rajyalakshmi, W/o Late Vijayakrishna, Aged. 28 years, Occ. House hold duties, R/o. D.No.1-246, Tamminaidupeta Village, Fareedpeta Post, Gujarathipeta Via, Etcherla Mandal, Srikakulam District-532 410. (for herself and on behalf of Respondent No.3 who is minor)
4. Mattireddy Jagadesh, S/o Suryanarayana, Aged. 26 Years, Occ. Driver of Auto bearing no.AP 30 W 3294, R/o. 4th Line, Bavajinagar Colony, Balaga, Srikakulam-532 001.
5. Pothala Kumari, W/o Late Suryanarayana, Aged. 47 Years, Occ. Owner of Auto bearing no.AP 30 W 3294, R/o. 4th Line, Bavajinagar Colony, Balaga, Srikakulam-532 001. **(2 to 5 By RPAD)**
6. One CC to Sri Harinath Reddy Soma Advocate [OPUC]
7. One CC to Sri Aravala Rama Rao Advocate [OPUC]
8. One CC to Sri K.Jyothi Prasad Advocate [OPUC]
9. One spare copy

HIGH COURT

DR VRKS,J

DATED:19/10/2023

LIST THE MATTER FOR 'FINAL HEARING' AFTER SIX (06) WEEKS

ORDER

IA No. 4 OF 2023
IN
MACMA NO: 376 OF 2023

THE APPLICATION IS ALLOWED

