

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE SEVENTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2898 OF 2012

Between:

Beemarasetti Appa Rao, S/o. Ramulu, Hindu, Aged 54 years, R/o. S.
Rayavaram Village and Mandal, Visakhapatnam District.

...Appellant/Respondent No.1

AND

1. Kandregula Nagaratnam, W/o. Late K. Durgi Naidu, Hindu, R/o. S.
Rayavaram Village & Mandal, Visakhapatnam.

2. Mandregula Rama Krishna Parameswar Rao, Hindu, W/o. Late K.
Durga Naidu, R/o. S. Rayavaram Village & Mandal, Visakhapatnam.

...Respondents/Petitioners

3. United India Insurance Co. Ltd, rep. by its Branch Manager,
Ramachandra Complex, Main Road, Anakapalli, Visakhapatnam.

...Respondent/Respondent

Appeal filed under Section 173 of Motor Vehicle Act, 1988 against the
order in M.O.P. No.1804 of 2006 on the file of the Court of the VIII Additional
District Judge- Cum Motor Vehicles Accidents Tribunal (FTC), Visakhapatnam
dated 25th January, 2010.

IA NO: 2 OF 2012 (MACMA.M.P No.6367 of 2012)

Petition under Section 151 of CPC is filed praying that in the
circumstances stated in the grounds filed in support of the petition, the High
Court may be pleased to stay all further Proceedings including in
EP.No.23/2010 in MOP.NO.1804/2006 on the file of the 7th Additional District

Judge, Visakhapatnam, Pending disposal of MACMA 2898 of 2012, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of SRI M. BALASUBRAHMANYAM, Advocate for the Appellant, and of M/s S RAJAN Advocate for the Respondent Nos. 1 & 2, and of SRI K.MADHUSUDHAN REDDY, Advocate for the Respondent No.3, the Court made the following

ORDER:

Heard both sides in part.

This appeal is filed by respondent No.2 in M.V.O.P.No.1804 of 2006 said to be the owner of offending vehicle, aggrieved by the decree and order dated 25.01.2010 passed by the learned Motor Vehicles Claims Tribunal, Visakhapatnam, where under the liability is imposed on the appellant while exonerating the Insurance Company from liability. This matter required detailed consideration on the points:

1) Whether the pillion rider on a motor cycle the deceased in the case, is covered by the policy in question?

2) Whether the breakage in driving license at the time of accident when the same was there prior to and subsequent to the accident for the rider of the vehicle was in force whether the same excludes the Insurance company from liability?

The learned counsel for claimants would submit that the amount recovered through execution process against the owner of the offending vehicle before the learned Motor Vehicles Claims Tribunal, Visakhapatnam, could not be withdrawn for want of record by one of the claimants, although the other claimant could withdraw the same.

He would also submit that in the event of disposal of the appeal in favour of the appellant, the owner of the offending vehicle, the right for indemnification will be open. Whereas the claimants are unable to realize the fruits of the award passed long back on technical aspect of want of record, though there is no stay in force.

The learned counsel for the appellant / owner of the offending vehicle would submit that as per his last information the matter appears to have been settled and any way he require instructions of his party for submitting the merits in the case also.

Upon considering the context of the case, and absence of the stay and necessity of record, to the learned Motor Vehicles Claims Tribunal, Visakhapatnam for proceeding with the matter as well as the pendency of this appeal, to address the issue comprehensively, the following orders are passed.

Registry is directed to retain the copy of the material record as per the Appendix mentioned in the Judgment and send back the original record to the Motor Vehicles Claims Tribunal, requiring the Tribunal to acknowledge the receipt of the record. Further, the learned Motor Vehicles Claims Tribunal, Visakhapatnam may be instructed to preserve the record until further orders or information about the disposal of the appeal.

Since both sides requested time for submitting arguments on legal and factual aspects, adjourned.

Post on 14.11.2025 for hearing.

//TRUE COPY//

Sd/-K.KASIRAO ACHARI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Registrar (Judicial), High Court of Andhra Pradesh, Amaravati

2. The VIII Additional District Cum Motor Vehicles Accidents Tribunal (FTC), Visakhapatnam, Visakhapatnam District
3. Kandregula Nagarathnam, W/o. Late K. Durgi Naidu, Hindu, R/o. S. Rayavaram Village & Mandal, Visakhapatnam.
4. Mandregula Rama Krishna Parameswar Rao, Hindu, W/o. Late K. Durgi Naidu, R/o. S. Rayavaram Village & Mandal, Visakhapatnam.
5. The Branch Manager, United India Insurance Co. Ltd, Ramachandra Complex, Main Road, Anakapalli, Visakhapatnam. **(Addressees 3 to 5 by RPAD)**
6. One CC to SRI. M BALASUBRAHMANYAM Advocate [OPUC]
7. One CC to SRI. S RAJAN Advocate [OPUC]
8. One CC to SRI K.MADHUSUDHAN REDDY, Advocate [OPUC]
9. The Section Officer, MACMA Section, High Court of Andhra Pradesh, Amaravati
10. **One spare copy**

PSR

HIGH COURT

AHHS,J

DATED:17/10/2025

NOTE: Post on 14.11.2025 for hearing.

ORDER

MACMA.No.2898 of 2012

INTERIM DIRECTION

