

[3311]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

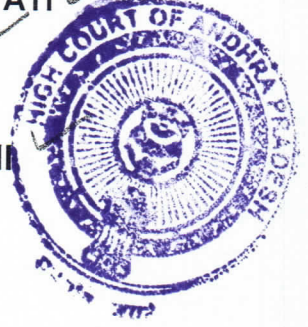
:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

IA No. 2 OF 2023

IN

MACMA NO: 491 OF 2023



Between:

M/S.Bajaj Allianz General Insurance Company Limited, Rep. by its Branch
Manager, Peejay Plaza, VIP Road, CBM Compound, Visakhapatnam.

...Petitioner/Appellant

(Petitioner in MACMA 491 OF 2023

on the file of High Court)

AND

1. Paila Hari Babu, S/o Sriramulu, aged 31 years, Student in-charge in Narayana College, Opp. YSR Cricket Stadium, PM Palem, Chinnagadili Mandal, Visakhapatnam City, R/o Pakki, SC Colony, Bobbili Mandal, Vizianagaram District.
2. Moodatla Syamala Rao, S/o Gopala Rao, aged 23 years, R/o Sector IX, Near Apugar, MVP Colony, Visakhapatnam, Now resident Pathikayalavalasa Village, Chipurupalli Mandal, Vizianagaram District.
3. Smt. Vijaya Lakshmi Meesala, W/o. Viswanadh, Aged 38 years, R/o D.No.2-2-18/1, MVP Colony, Golla Street, Sector IX, Visakhapatnam - 530017.

...Respondents/Respondents

(Respondents in-do-)

Counsel for the Petitioner : Sri NARESH BYRAPANENI

Counsel for the Respondent : ----

Petition under Order XLI Rule 5(1) R/w Sec 151 of CPC 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 the decree and Judgment in M.V.O.P. No. 37 of 2017, Before The Chairman Motor Accidents

Claims Tribunal cum - XII Additional District and Sessions Judge, Visakhapatnam, dated 13th January, 2023, Pending disposal of MACMA No. 491 of 2023, 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 application is filed to stay operation of the decree and order dated 13.01.2023 in M.V.O.P.No.37 of 2017 on the file of the Chairman Motor Accidents Claims Tribunal-Cum-XII-Additional District & Sessions Judge, Visakhapatnam.

The learned counsel for the petitioner/appellant submitted that the Tribunal erroneously fastened liability on the appellant; that the injured was an unauthorized passenger in a goods vehicle and that the Tribunal erred in appreciating the evidence on record and granted huge amount of compensation.

Perused the record.

In the light of the above submissions and the grounds taken in appeal, the operation of the impugned decree are stayed as prayed for on the condition that the petitioner/appellant shall deposit 50% of the amount awarded as per the decree in appeal within eight (08) weeks failing which the order of stay gets vacated without any further order.”

//TRUE COPY//

SD/- M.PRABHAKARA RAO
ASSISTANT REGISTRAR

For ,

SECTION OFFICER

To,

1. The Chairman Motor Accidents Claims Tribunal cum - XII Additional District and Sessions Judge, Visakhapatnam.
2. Paila Hari Babu, S/o Sriramulu, aged 31 years, Student in-charge in Narayana College, Opp. YSR Cricket Stadium, PM Palem, Chinnagadili Mandal, Visakhapatnam City, R/o Pakki, SC Colony, Bobbili Mandal, Vizianagaram District.
3. Moodatla Syamala Rao, S/o Gopala Rao, aged 23 years, R/o Sector IX, Near Apughar, MVP Colony, Visakhapatnam, Now resident Pathikayalavalasa Village, Chipurupalli Mandal, Vizianagaram District.
4. Smt. Vijaya Lakshmi Meesala, W/o. Viswanadh, Aged 38 years, R/o D.No.2-2-18/1, MVP Colony, Golla Street, Sector IX, Visakhapatnam - 530017.(Nos. 2 to 4 By RPAD)
5. One CC to SRI. NARESH BYRAPANENI Advocate [OPUC]
6. One spare copy

HIGH COURT

BSB,J

DATED:31/01/2025

POST AFTER TWO MONTHS

ORDER

IA No. 2 OF 2023
IN
MACMA.No.491 of 2023

INTERIM STAY

