

HIGH COURT OF ANDHRA PRADESH

MAIN CASE No: MACMA.No.480 of 2023

44

PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
02.	31.01.2025	<p><u>BSB, J</u></p> <p style="text-align: center;"><u>I.A.No.1 of 2023</u></p> <p>This application is filed to condone the delay of 88 days in filing the present appeal against the judgment and decree dated 13.01.2023 in M.V.O.P.No.38 of 2017, before The Chairman Motor Accidents Claims Tribunal-Cum-XII-Additional District & Sessions Judge, Visakhapatnam.</p> <p>Notice sent to respondent No.1 was returned unserved with an endorsement 'no such address', though it was sent to the address as given before the Tribunal. Hence, further notice is dispensed with.</p> <p>Respondent Nos.2 and 3 herein remained <i>ex parte</i> before the Tribunal, however, notices were sent to them and they were returned unserved with an endorsement 'no such addressee in this door number'. Hence, no further notice is ordered to respondents Nos.2 and 3 by virtue of proviso to Order XLI, rule 14(1) of C.P.C.(as amended in the State of A.P.).</p> <p>For the reasons stated in the affidavit, the petition is allowed.</p> <p style="text-align: right;"><u>B.S.BHANUMATHI, J</u></p>	Contd...

MACMA.No.480 of 2023

Admit Appeal.

Call for lower Court record.

Post after two (02) months.

B.S.BHANUMATHI, J

I.A.No.2 of 2023

This application is filed to stay operation of the decree and order dated 13.01.2023 in M.V.O.P.No.38 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.

B.S.BHANUMATHI, J

RKS