

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE TWENTY FOURTH DAY OF MARCH,
TWO THOUSAND AND TWENTY THREE ✓



:PRESENT:
THE HONOURABLE DR JUSTICE K MANMADHA RAO ✓

IA No. 1 OF 2023
IN
MACMA NO: 369 OF 2022 ✓

Between:

Kanimeraka Chinna Rao, S/o. Late Ramu, aged 50 years, Hindu, resident of
Duggusagaram Village, Saluru Mandal, Vizianagaram District.

Petitioner
(Respondent No.1 in
MACMA No.369/2022 on the file
of the High Court)

AND

1. Oriental Insurance Co.Ltd, Rep. by its Divisional Manager, Visakhapatnam
2. Oriental Insurance Company Limited, Rep. by its Branch Manager, LTB Road, Vizianagaram.

...Respondents/
(Appellants in-do-)

3. DineshThiwari, S/o.Rajendra Prasad Thiwari, aged 30 years, Hindu, lorry driver GJ 19 U 2718, R/o.Balapur, Beharaich, Uttar Pradesh
4. Bhudhu Yadav, S/o. Ram Charitra Yadav, Aged 50 years, Hindu, owner of lorry GJ 19 U 2718 R/o. Chopra Colony No. 589, Bishrampur District, Surajpur CG.

...Respondents/
(Respondent No.3 & 4 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 grant permission to with draw the amount deposited by the appellants in M.V.O.P.No.252 of 2017 on the file of Motor accident Claims Tribunal- Cum - IV Additional District Judge court at Vizianagaram, Pending disposal of MACMA No. 369 of 2022, on the file of the High Court.

IA No. 2 OF 2022 ✓

Between:

1. Oriental Insurance Co.Ltd, Rep. by its Divisional Manager, Visakhapatnam
2. Oriental Insurance Company Limited, Rep. by its Branch Manager, LTB Road, Vizianagaram.

...Petitioners/Appellants

AND

1. Kanimeraka Chinna Rao, S/o. Late Ramu, aged 50 years, Hindu, resident of Duggusagaram Village, Saluru Mandal, Vizianagaram District.
2. DineshThiwari, S/o. Rajendra Prasad Thiwari, aged 30 years, Hindu, lorry driver GJ 19 U 2718, R/o. Balapur, Beharaich, Uttar Pradesh
3. Bhudhu Yadav, S/o. Ram Charitra Yadav, Aged 50 years, Hindu, owner of Lorry GJ 19 U 2718 R/o. Chopra Colony No. 589, Bishrampur District, Surajpur CG.

(Respondent No.2 is not a necessary party)

...Respondents/Respondents

Petition under Order XLI Rule 5(1) of CPC praying that in the circumstances stated in the affidavit filed in support of the MACMA, the High Court may be pleased to grant stay of all further proceedings dated 22.03.2022 passed in M.V.O.P No.252 of 2017 on the file of the Chairman, Motor Accidents Claims Tribunal - Cum - IV Additional District Judge, Vizianagaram including execution proceedings, pending disposal of MACMA No.369 of 2022, 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 22.09.2022 made in I.A.No.2 of 2022 and upon hearing the arguments of Sri P GOPALA KRISHNA, Advocate for the Petitioner and M/s A JAYANTHI, Advocate for the Respondent Nos. 1 & 2, the Court made the following

ORDER:

"This application is filed to allow the petitioner/Respondent No.1 to withdraw the amount deposited by the appellants before the Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Vizianagaram, as per the order dated 22.09.2022 passed by this Court in I.A.No.2 of 2022 in MACMA.No.369 of 2022."

Learned counsel for the appellants submits that in compliance to the order of this Court dated 22.09.2022, the appellants have deposited 50% of the amount to the credit of MVOP.

In view of the same, the petitioner/Respondent No.1 is permitted to withdraw the amount deposited by the appellants to the credit of MVOP in accordance with the arrangement made by the Tribunal in the impugned order.

Accordingly, I.A. is allowed."

//TRUE COPY//

**Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR**

For

SECTION OFFICER

2. Kanimeraka Chinna Rao, S/o. Late Ramu, aged 50 years, Hindu, resident of Duggusagaram Village, Saluru Mandal, Vizianagaram District.
3. Bhudhu Yadav, S/o. Ram Charitra Yadav, Aged 50 years, Hindu, owner of Lorry GJ 19 U 2718 R/o. Chopra Colony No. 589, Bishrampur District, Surajpur CG.
5. The Divisional Manager, Oriental Insurance Co.Ltd, Visakhapatnam
4. The Branch Manager Oriental Insurance Company Limited, LTB Road, Vizianagaram (Addressee nos.2 to 4 by RPAD- along with a copy of petition and affidavit)
5. One CC to M/s. A JAYANTHI Advocate [OPUC]
6. One CC to SRI. P GOPALA KRISHNA Advocate [OPUC]
7. One spare copy

CVSS



HIGH COURT

DRKMRJ

DATED:24/03/2023

POST ON 14.06.2023 FOR FINAL HEARING.

ORDER

**IA No. 1 OF 2023
IN
MACMA NO: 369 OF 2022**

DIRECTION

