

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE



PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND
THE HONOURABLE SRI JUSTICE B V L N CHAKRAVARTHI

MAMCA NO: 1249 OF 2013

Appeal Under Section 173 of M.V.Act against the award and decree dt. 19-3-2013 in OP NO. 385 of 2010 on the file of XI Addl. District & Sessions Judge at Krishna, Gudivada.

Between:

1. Hari Venkateswara Rao S/o. Appa Rao, Hindu, 51 years, Kamma, Coolie, Gandigunta Village, Vuyyuru Mandal, Krishna District.

...Appellant / Petitioner

2. Hari Vijaya Lakshmi, W/o. Venkateswara Rao, Hindu, 45 years, Housewife, Gandigunta Village, Vuyyuru Mandal, Krishna District.

...Appellant / Respondent No.4

AND

1. Indupalli Narasimha Rao S/o. Subrahmanyam, Hindu 53 years, Driver of Lorry No. AP9u7155, Temple Colony, Machilipatnam, Krishna District.
2. Vattumilli L.S.B. Vardhini, W/o. Kumar Chand, Hindu, 35 years, Lorry Owner, 20-350/1, Rustumbad, Machilipatnam, Krishna District.
3. National Insurance Company Limited, Rep. by its Branch Manager, Machilipatnam, Krishna District.

...Respondents/Respondents

Counsel for the Appellant : SRI. SREE DEVI KANTETI

Counsel for the Respondent No 1 : None appeared

Counsel for the Respondent No 2 : SRI. M.MURALI KRISHNA

Counsel for the Respondent No 3 : SRI. NISARUDDIN AHMED JEDDY

The Court made the following:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI
AND
THE HON'BLE SRI JUSTICE B. V. L. N. CHAKRAVARTHI
MACMA No.1249 of 2013

JUDGMENT:- (per Hon'ble Sri Justice Ravi Nath Tilhari)

This appeal was filed by the claimants challenging the judgment/award dated 19.03.2013 passed in M.V.O.P.No.35 of 2019 by the XI Additional District and Sessions Judge, Krishna, Gudivada, dismissing the claim petition.

2. On 16.06.2023, the following order was passed:-

"The matter is listed today for pronouncement of judgment. While the judgment is about to be pronounced, learned counsel for the appellants would submit that after the matter is reserved for judgment that she came to know that the 1st appellant died during the pandemic situation and accordingly she has filed a memo to that effect in the Registry on 12-5-2023. However, the said memo is not placed on record. Learned counsel for the appellants would also submit that if the matter is reopened that she would file a petition to implead the legal representatives of the deceased 1st appellant.

Therefore, the matter is reopened. Registry is directed to place the memo on record. List the matter before the appropriate bench as per roster for taking further course of action in this regard."

3. As per the office report, the memo was not filed as per computer verification.
4. There is no representation for the appellants.
5. Any application to bring on record the legal representatives of the deceased/appellant No.1 is also not filed.
6. In view of the above, the appeal abates against the appellant No.1. It is dismissed as abated against appellant No.1.
7. The appeal is dismissed for want of prosecution against appellant No.2.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

//TRUE COPY//

Sd/- SHAIK MOHD. RAFI
ASSISTANT REGISTRAR

SECTION OFFICER

To;

1. The XI Addl. District & Sessions Judge at Krishna, Gudivada.
2. One CC to SRI. SREE DEVI KANTETI Advocate [OPUC]
3. One CC to SRI. NISARUDDIN AHMED JEDDY Advocate [OPUC]
4. One CC to SRI. M. MURALI KRISHNA Advocate [OPUC]
5. The Section Officer, V.R Section, High Court of Andhra Pradesh at Amaravati.[OUT]
6. Two CD Copies

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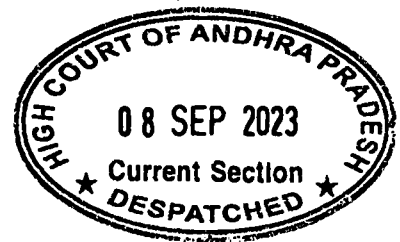
HIGH COURT

DATED:18/07/2023

ORDER

MACMA.No.1249 of 2013

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DISMISSING THE MACMA AS ABATED