

HIGH COURT OF ANDHRA PRADESH

MAIN CASE No: MACMA.No.801 of 2023

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PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
03.	31.01.2025	<u>BSB, J</u> <u>I.A.No.1 of 2023</u> This application is filed to condone the delay of 134 days in filing the present appeal against the judgment and award dated 30.01.2023 in M.V.O.P.No.591 of 2016, on the file of the Chairman, Motor Accidents Claims Tribunal-Cum-X-Additional District & Sessions Judge, Rajahmundry. Though respondent No.1 appeared through counsel, counter has not been filed nor made any appearance today. Though notice was served on respondent No.2, no appearance has been made. Respondent No.3 herein remained <i>ex parte</i> before the Tribunal, however, notice sent to him and it was returned unserved with an endorsement 'refused', though it was sent to the address as given before the Tribunal. Hence, no further notice is ordered on respondent No.3 by virtue of proviso to Order XLI, rule 14(1) of C.P.C. (as amended in the State of A.P.). For the reasons stated in the affidavit, the petition is allowed. <u>B.S.BHANUMATHI, J</u>	Contd...

		<u>MACMA.No.801 of 2023</u> Admit Appeal. Call for lower Court record. Post after two (02) months. <u>B.S.BHANUMATHI, J</u> <u>I.A.No.2 of 2023</u> This application is filed to stay of operation of the judgment and award dated 30.01.2023 in M.V.O.P.No.591 of 2016, on the file of the Chairman, Motor Accidents Claims Tribunal-Cum-X-Additional District & Sessions Judge, Rajahmundry. The learned counsel for the petitioner/appellant submitted that the Tribunal erroneously fastened liability on the appellant; that respondent No.1/claimant was an unauthorized midway passenger in a goods vehicle and that the Tribunal erred in appreciating the evidence on record and granted huge amount of compensation under different heads without any proof. That apart, learned counsel further submitted that the Tribunal erred in taking monthly income of respondent No.1 as Rs.6,000/- without any proof and also erred in adding 30% of such income towards future prospects. In the light of the above submissions and the grounds taken in appeal, the operation of the impugned judgment and award are stayed as prayed	Contd...
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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

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