

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: 801 OF 2023



Between:

New India Assurance Company Limited, Represented by its Divisional
Manager, Rajamahendravaram.

...Appellant/
Respondent

AND

1. Kadiyapu Eswarudu @ Eswara Rao, S/o. Rama Rao Aged about 42 years D.No 2-36/1, Elakolanu, Rangampeta Mandal.
2. Yalla Appalanaidu, S/o. Simhachalam Aged about 42 years R/o D.NO 2-6-2/1, Rajpeta, S.Kota, Vizianagaram District.
3. Rongala Venkata Ramana, S/o. Pyditalli, Aged about 45 years, R/o D.No 32-11-1/3, Tulasi Apartments, Sheelanagar, Visakhapatnam.

...Respondents/
Respondents

Counsel for the Petitioner :

SRI NARESH BYRAPANENI

Counsel for the Respondent No.1:

SRI N SIVA REDDY

Petition under Order XLI Rule 5 R/w Sec.151 of C.P.C. is filed praying that in the circumstances stated in the memorandum of grounds 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. 591 of 2016 on the file of the Chairman, Motor Accidents Claims Tribunal-Cum- X Addl. District & Session Judge, Rajahmundry, dated 30th January, 2023, Pending disposal of MACMA No. 801 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). The Court made the following

ORDER:

“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 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.”

Sd/- V. SAVITRI GAURI
ASSISTANT REGISTRAR

//TRUE COPY//


For ASSISTANT REGISTRAR

To,

1. The Chairman, Motor Accidents Claims Tribunal-Cum- X Addl. District & Session Judge, Rajahmundry, East Godavari District.
 2. Kadiyapu Eswarudu @ Eswara Rao, S/o. Rama Rao, Aged about 42 years, D.No. 2-36/1, Elakolanu, Rangampeta Mandal.
 3. Yalla Appalanaidu, S/o. Simhachalam Aged about 42 years, R/o. D.No. 2-6-2/1, Rajpeta, S.Kota, Vizianagaram District.
 4. Rongala Venkata Ramana, S/o. Pyditalli, Aged about 45 years, R/o. D.No 32-11-1/3, Tulasi Apartments, Sheelanagar, Visakhapatnam.
- (Addresses 1 to 3 by RPAD)**
5. One CC to SRI. NARESH BYRAPANENI, Advocate [OPUC]
 6. One CC to SRI. N SIVA REDDY, Advocate [OPUC]
 7. One spare copy

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HIGH COURT

BSB,J

DATED:31/01/2025

ORDER

IA No. 2 OF 2023

IN

MACMA NO: 801 OF 2023

DIRECTION

