

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY, THE SIXTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU

IA No. 2 OF 2023
IN
MACMA NO: 32 OF 2023

Between:

Shriram General Insurance Company Limited, Rept. by its Branch Manager, Branch Office, H.No.5-6-568, Pragathinagar, Hyderabad Road, Beside Hotel Nikhil Sai International, Nizamabad.

...Appellant/Petitioner
(Appellant in MACMA 32 OF 2023
on the file of High Court)

AND

1. Sampangi Saraswathi, S/o Sampangi Babu, Aged: 22 years, Occ: House hold, R/o. H.No.6-64/2, Near GP, Basar Village and Mandal, Adilabad District-504 101.
2. P.Narendra, S/o Not Known, Aged: Major, Occ: Owner of the Tipper Lorry Bearing no.AP 26 TC 0699, R/o. H.No.25-2-1080, Revenue Colony, Dargamitta (v) Mandal, Nellore-524 004.
3. The Oriental Insurance Company Ltd, Rept. by its Branch Manager, Branch Office, Nellore Door no.1-13-395/4, 2nd Floor, Hero Honda Show Room, Vinayaknagar, Nizamabad-503 001.
4. Sampangi Poshety, S/o Bheemaiah, Aged: 55 Years, Occ: Stone cutter, R/o. H.No.6-67/3, Bazar Gally, Basar Village, Mudhole Mandal, Nirmal District-504 102.
5. Sampangi Bhagirithi, W/o Poshety, Aged: 50 Years, Occ: Stone cutter, R/o. H.No.6-67/3, Bazar Gally, Basar Village, Mudhole Mandal, Nirmal District-504 102.
6. Sampangi Babu, (Owner of Auto no.TS 01 UA 5328) **(DIED) L.R.** Smt. Sampangi Saraswathi W/o Sampangi Babu, Aged. 22 Years, R/o. H.No.6-67/3, Bazar Gaily, Basar Village, Mudhole Mandal, Nirmal District-504 102.

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

Counsel for the Appellant : Sri HARINATH REDDY SOMA

Counsel for the Respondents :

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 stay of operation of decree and judgement dated 29-08-2022 in M.V.O.P.No.300 of 2016 on the Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, at Nizamabad, Pending disposal of MACMA No. 32 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 (The receipt of this order will be deemed to be the receipt of notice in the case)

ORDER:

Heard the learned counsel for the petitioner.

Perused the record and order of the Tribunal.

Learned counsel for the petitioner has submitted that though the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the Tipper driver, who was shown as respondent No.2. In spite of such finding, the Tribunal directed the petitioner to deposit the compensation amount by fixing liability on both the insurance companies.

In view of the circumstances stated in the accompanying affidavit filed in support of the petition and the submissions made by learned counsel for the petitioner, this Court feels that there is some force in the arguments. Hence, there shall be interim stay of operation as prayed for only against the petitioner herein subject to the condition on depositing 10% of the compensation by the petitioner/appellant as awarded by the Tribunal with interest and costs, within eight (8) weeks from the date of this Order. On such deposit, the respondent/claimant is not permitted to withdraw the said amount.

//TRUE COPY//

SD/- T. JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, at Nizamabad
2. Sampangi Saraswathi, S/o Sampangi Babu, R/o. H.No.6-64/2, Near GP, Basar Village and Mandal, Adilabad District-504 101
3. P.Narendra, Occ: Owner of the Tipper Lorry Bearing no.AP 26 TC 0699, R/o. H.No.25-2-1080, Revenue Colony, Dargamitta (v) Mandal, Nellore-524 004
4. The Branch Manager, Oriental Insurance Company Ltd, Branch Office, Nellore Door no.1-13-395/4, 2nd Floor, Hero Honda Show Room, Vinayaknagar, Nizamabad-503001
5. Sampangi Poshety, S/o Bheemaiah, R/o. H.No.6-67/3, Bazar Gally, Basar Village, Mudhole Mandal, Nirmal District-504 102
6. Sampangi Bhagirathi, W/o Poshety, R/o. H.No. 6-67/3, Bazar Gally, Basar Village, Mudhole Mandal, Nirmal District-504 102
7. Smt. Sampangi Saraswathi W/o Sampangi Babu, on behalf of Sampangi Babu, (Owner of Auto no.TS 01 UA 5328) **(DIED) L.R.**, R/o. H.No.6-67/3, Bazar Gally, Basar Village, Mudhole Mandal, Nirmal District-504 102.(2 to 7 By RPAD)
8. One CC to Sri HARINATH REDDY SOMA Advocate [OPUC]
9. One spare copy

HIGH COURT

SSRN,J

DATED:06/01/2023

ORDER

**IA.NO2 OF 2023
IN
MACMA.No.32 of 2023**

INTERIM STAY

