

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY

:PRESENT:**THE HONOURABLE SRI JUSTICE K.LAKSHMAN****IA No. 4 OF 2020****IN****IA No. 3 OF 2020****IN****MACMA NO: 12 OF 2020****IA No. 3 OF 2020****Between:**

The New India Assurance Company Limited, Rep. by its Manager, Regional Office,
3rd Party Claims Cell, 5th Floor, G Block, Surya Towers, S.D. Road, Secunderabad.

...Petitioner/Appellant

(Appellant in MACMA.No.12 OF 2020
on the file of the High Court)

AND

1. K. Indu Bai, W/o late K. Govinda Rao, Occ. Housewife, R/o H.No. 19-4-364/A, Cheragali Nagar, Near Vidya Bharathi School, Kishan Bagh, Bahadurpura, Hyderabad, Now residing at Ahmed Nagar Colony, Sangareddy
2. K. Mahesh, S/o late K. Govind Rao, Occ. Student, R/o H.No. 19-4-364/A, Cheragali Nagar, Near Vidya Bharathi School, Kishan Bagh, Bahadurpura, Hyderabad, now residing at Ahmed Nagar Colony, Sangareddy
3. K. Preethi, D/o late K. Govind Rao, aged about 17 years Occ. Student, R/o.H.No. 19-4-364/A, Cheragali Nagar, Near Vidya Bharathi School, Kishan Bagh, Bahadurpura, Hyderabad, Now residing at Ahmed Nagar Colony, Sangareddy
4. K. Krishna Bai, W/o late Digambar Rao, R/o H.No. 19-4-364/A, Cheragali Nagar, Near Vidya Bharathi School, Kishan Bagh, Bahadurpura, Hyderabad, now residing at Ahmed Nagar Colony, Sangareddy
5. M. Yenappa, S/o Manappa, Occ. Driver, R/o D.No. 37, Straight Road, Lingedallai (SD), Shorapur Tq. Yadagiri Dist. Karnataka State
6. Sannadaval Sab, S/o Hussain Sab, Owner of the vehicle bearing No. KA 33M 5084, R/ H.No.E-12, Lingedallai (SD), Shorapur Tq. Yadagiri Dist. Karnataka State

(Respondent Nos.5 & 6 are not necessary party to this petition)

...Respondents/Respondents
(Respondents 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 interim stay of execution of the award and decree dated 16-05-2019 made in MVOP No. 272 of 2016, on the file of MACT-Cum-V Addl. Dist. & Sessions Judge, Medak at Sangareddy, pending disposal of MACMA No.12 of 2020, on the file of the High Court.

IA No. 4 OF 2020**Between:**

1. K. Indu Bai, W/o late K. Govinda Rao, Occ. Housewife, R/o H.No. 19-4-3641/A, Cheragali Nagar, Near Vidya Bharathi School, Kishan Bagh, Bahadurpura, Hyderabad, Now residing at Ahmed Nagar Colony, Sangareddy

2. K. Mahesh, S/o late K. Govind Rao, Occ. Student, R/o H.No. 19-4-3641/A, Cheragali Nagar, Near Vidya Bharathi School, Kishan Bagh, Bahadurpura, Hyderabad, now residing at Ahmed Nagar Colony, Sangareddy
3. K. Preethi, D/o late K. Govind Rao, aged about 17 years Occ. Student, R/o.H.No. 19-4-364/A, Cheragali Nagar, Near Vidya Bharathi School, Kishan Bagh, Bahadurpura, Hyderabad, Now residing at Ahmed Nagar Colony, Sangareddy
Petitioner No.3 is minor, U/g her Natural mother i.e. petitioner No.1
4. K. Krishna Bai, W/o late Digambar Rao, R/o H.No. 19-4-364/A, Cheragali Nagar, Near Vidya Bharathi School, Kishan Bagh, Bahadurpura, Hyderabad, now residing at Ahmed Nagar Colony, Sangareddy

...Petitioner/Respondents 1 to 4/Claimants
(Respondents No.1 to 4 in MACMA.No.12 OF 2020
on the file of the High Court)

AND

1. The New India Assurance Company Limited, Rep. by its Manager, Regional Office, 3rd Party Claims Cell, 5th Floor, G Block, Surya Towers, S.D. Road, Secunderabad.

Respondent/Appellant/Respondent No.3

2. M. Yenappa, S/o Manappa, Occ. Driver, R/o D.No. 37, Straight Road, Lingedallai (SD), Shorapur Tq. Yadagiri Dist. Karnataka State
3. Sannadaval Sab, S/o Hussain Sab, Owner of the vehicle bearing No.KA 33M 5084, R/ H.No.E-12, Lingedallai (SD), Shorapur Tq. Yadagiri Dist. Karnataka State

(Respondent Nos.2 & 3 are not necessary party to this petition)

...Respondents/Respondents
(Respondents 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 vacate the interim orders passed in IA No. 3 of 2020 in MACMA No. 12 of 2020, dt. 08-01-2020 by permitting the petitioner to withdraw the amount deposited by the Respondent/Appellant, Pending disposal of MACMA No.12 of 2020, 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 08.01.2020 made in IA No.3 of 2020 and upon hearing the arguments of Sri T Ramulu Advocate for the petitioner in IA No.3 of 2020 and Respondent No.1 of IA No.4 of 2020 and of Sri P.Srihari Nath, Advocate for the Respondents No.1 to 4 in IA No.3 of 2020 and petitioners in IA No.4 of 2020, the Court made the following

ORDER

Vide order dated 08.01.2020, in I.A. No.3 of 2020, this Court granted interim stay of execution of decree and judgment in MVOP No.272 of 2016 passed by the Chairman, Motor Accident claims Tribunal-cum-V Additional District and Sessions Judge, Medak at Sangareddy, on condition of appellant depositing 50% of the decretal amount together with costs and interest.

Learned counsel for the Insurance Company and the learned counsel for the petitioners would submit that the appellant company has deposited the amount in compliance of the said order.

In view of the same, this application is allowed and the petitioners are permitted to withdraw their respective shares from the deposited amount without furnishing any security. The interim stay is made absolute.

//TRUE COPY//

SD/- CH.VENKATESWAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chairman, Motor Accident Claims Tribunal-cum-V Additional District and Sessions Judge, Medak at Sangareddy.
2. One CC to Sri T Ramulu Advocate [OPUC]
3. One CC to Sri P.Sriharinath Advocate [OPUC]
4. One spare copy

HIGH COURT

KLJ

DATED:10/02/2020

ORDER

**IA No. 4 OF 2020
IN
IA No. 3 OF 2020
IN
MACMA NO: 12 OF 2020**

DIRECTION

