

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE T. VINOD KUMAR

I.A.NO. 5 OF 2020

IN

IA No. 3 OF 2020

IN

MACMA NO: 12 OF 2020

I.A.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 in MACMA 12 OF 2020
on the file of High Court)

AND

1. K. Indu Bai W/o late K. Govinda Rao, R/o H.No.19-4-364/A, Cheragali Nagar, Near Vidya Bharathi School, Kishan Bagh, Bahadurpura, Hyderabad, Now resident at Ahmed Nagar Colony, Sangareddy.
2. K. Mahesh S/o late K. Govind 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.
3. K. Preethi D/o late K. Govind 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.
(R.3 have been declared as major by discharging from the guardianship of her mother & natural guardian R.1 vide court order dt. 13-10-2020 is vide I.A.No.6/2020 in MACMA 12/2020)
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, R/ D.No.37, Straight Road, Lingedallai (SD), Shorapur Tq. Yadagiri District, Karnataka State.
6. Sannadaval Sab S/o Hussain Sab, owner of the vehicle bearing No.KA 33M 5084, R/oH.No.E-12, Lingedallai (SD), Shorapur Tq. Yadagiri District, Karnataka State.

(Respondent No.5 & 6 are not necessary party to this petition).

...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. District & Sessions Judge, Medak at Sangareddy, pending disposal of MACMA No. 12 of 2020, on the file of the High Court.

IA.NO. 5 OF 2020

Between:

1. K. Indu Bai W/o late K. Govinda Rao, R/o H.No.19-4-364/A, Cheragali Nagar, Near Vidya Bharathi School, Kishan Bagh, Bahadurpura, Hyderabad, Now resident at Ahmed Nagar Colony, Sangareddy.
2. K. Mahesh S/o late K. Govind 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.
3. K. Preethi D/o late K. Govind 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.

(R.3 have been declared as major by discharging from the guardianship of her mother & natural guardian R.1 vide court order dt. 13-10-2020 is vide I.A.No.6/2020 in MACMA 12/2020)

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

...Petitioners/Respondent Nos.1 to 4
(Appellants in MACMA 12 OF 2020
on the file of 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/Respondent No.3
2. M. Yenappa S/o Manappa, R/ D.No.37, Straight Road, Lingedallai (SD), Shorapur Tq. Yadagiri District, Karnataka State.
3. Sannadaval Sab S/o Hussain Sab, owner of the vehicle bearing No.KA 33M 5084, R/oH.No.E-12, Lingedallai (SD), Shorapur Tq. Yadagiri District, Karnataka State.

(Respondents No.2 & 3 are not necessary party in this petition).

...Respondents/Respondent Nos.5 & 6
(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 permit the petitioner No.3 to withdraw the apportioned share amount deposited by the Appellant/Respondent as per the orders passed in I.A.No.3 of 2020 in MACMA No.12 of 2020, dt. 08-01-2020.

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 in IA. 5 of 2020 and Sri P. Sriharinath, Advocate for the Respondent Nos. 1 to 4 in IA.No.3 of 2020 and Petitioners in IA.No.5 of 2020, the Court made the following

ORDER

This application is filed to permit the petitioner herein – respondent NO.3 in the present appeal, to withdraw her share of the amount deposited by the appellant-insurance company, to the credit of MVOP No.272 of 2016 on the file of the Motor Vehicles Accidents Claims Tribunal-cum-V Additional District and Sessions Judge, Medak at Sangareddy, pursuant to the interim order passed in I.A.No.3 of 2020 in MACMA No.12 of 2020 dated 08-01-2020.

Heard learned counsel for the petitioner/respondent NO.3 –Claimant and the learned counsel for the appellant-insurance Company.

Having regard to the reasons stated in the accompanying affidavit, the petitioner – claimant / Respondent NO.3 in the appeal, who has been declared as major today by this court in I.A.No.6 of 2020, is permitted to withdraw her proportionate share of the amount deposited together with costs and interest, to the credit of MVOP.No.272 of 2016, pursuant to the interim order passed in I.A.No.3 of 2020 dated 08-01-2020, without furnishing any security. However, it is made clear that such withdrawal granted is without prejudice to the rights and contentions of both the parties in the appeal.

Subject to the above modification, the interim stay order dated 08-01-2020 is made absolute.

The application is ordered accordingly.

//TRUE COPY//

SD/- T.KRISHNA KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chairman, Motor Vehicles Accidents 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

mvj



HIGH COURT

TVK,J

DATED; 13.10.2020

**I.A.NO.5 OF 2020
IN
IA No. 3 OF 2019
IN
MACMA NO: 12 OF 2020**



INTERIM ORDER MADE ABSOLUTE