

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
 THURSDAY, THE TWENTY FIFTH DAY OF FEBRUARY
 TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO
 AND
THE HONOURABLE SRI JUSTICE T.VINOD KUMAR
IA No. 1 OF 2021
IN
IA No. 3 OF 2020
IN
MACMA NO: 542 OF 2020

IA No. 3 OF 2020

Between:

Telangana State Road Transport Corporation, (Prior to bifurcation known as Andhra Pradesh State Road Transport Corporation), Represented by its Managing Director, Bus Bhavan, Near Chikkadapalli, Hyderabad.

...Petitioner/Appellants/Respondents
 (Appellant in MACMA No. 542 OF 2020
 on the file of High Court)

AND

1. Smt. Kanduri Srividya, W/o. Utpala Niranjan, Occ.Housewife, R/o. 6-3-596/76/1/B, Naveen Nagar, Hyderabad- 500004
2. Utpala Kousalya, D/o. Niranjan, Aged 9 years, Occ. Student, R/o. 6-3-596/76/1/B, Naveen Nagar, Hyderabad- 500004
3. Utpala Sri Harshita, D/o. Niranjan, Aged 4 years, Occ: Student, R/o. 6-3-596/76/1/B, Naveen Nagar, Hyderabad- 500004
 (Respondents No.2 and 3 being minors represented by their next friend and guardian, mother Respondent No.1 herein namely Smt. Kanduri Srividya)
 Respondents/Petitioners
4. Md. M.A. Khan, S/o. Ghouse Khan, Occ. Driver of APSRTC Bus No. AP 29 Z 1543 of Badrachalam Depot, R/o. Bagath Singh Nagar, Suryapet, Nalgonda District.
5. Alla Sammayya, S/o. Mallaiah, Occ. Driver of APSRTC Bus No. AP 29 Z 1543 of Badrachalam Depot, R/o. Chandragonda Village and Mandal, Khammam District.
6. State of Andhra Pradesh, Represented by its Home Secretary, Government of AP, Hyderabad
7. Utpala Venkata Ramanuja Charyulu, S/o. Niranjan, Srinivasa Rangacharyulu, Occ.Retired Employee, R/o. Ward No. 26, H. No. 9-25-52E, Janatha Pet North, Kavali, Nellore District.
8. Utpala Krishnaveni, W/o. Venkata Ramanuja Charyulu, Occ. House wife, R/o.Ward No. 26, H. No. 9-25-52E, Janatha Pet North, Kavali, Nellore District
 ...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 stay of execution of the Judgment and Decree of the Motor Accident Claims Tribunal- Cum - The Court of the Chief Judge, City Civil Court at Hyderabad dt. 23/09/2019, made in MVOP. No. 762 of 2013, pending disposal of MACMA No. 542 of 2020, on the file of the High Court.

IA No. 1 OF 2021**Between:**

1. Smt. Kanduri Srividya, W/o. Utpala Niranjana, Occ. Housewife, R/o. 6-3-596/76/1/B, Naveen Nagar, Hyderabad- 500004
2. Utpala Kousalya, D/o. Niranjana, Aged 9 years, Occ. Student, R/o. 6-3-596/76/1/B, Naveen Nagar, Hyderabad- 500004
3. Utpala Sri Harshita, D/o. Niranjana, Aged 4 years, Occ. Student, R/o. 6-3-596/76/1/B, Naveen Nagar, Hyderabad- 500004
(Petitioners No.2 and 3 being minors represented by their next friend and guardian, mother Petitioners No.1 herein)

...Petitioner/ Respondents No.1 to 3
(Respondents No.1 to 3 in MACMA No. 542 OF 2020
on the file of High Court)

AND

1. Telangana State Road Transport Corporation, (Prior to bifurcation known as Andhra Pradesh State Road Transport Corporation), Represented by its Managing Director, Bus Bhavan, Near Chikkadapalli, Hyderabad.
Respondent/Appellant
2. Md. M.A. Khan, S/o. Ghouse Khan, Occ. Driver of APSRTC Bus No.AP 29 Z 1543 of Badrachalam Depot, R/o. Bagath Singh Nagar, Suryapet, Nalgonda District.
3. Alla Sammayya, S/o. Mallaiah, Occ. Driver of APSRTC Bus No. AP 29 Z 1543 of Badrachalam Depot, R/o. Chandragonda Village and Mandal, Khammam District.
4. State of Andhra Pradesh, Represented by its Home Secretary, Government of AP, Hyderabad
5. Utpala Venkata Ramanuja Charyulu, S/o. Niranjana, Srinivasa Rangacharyulu, Occ. Retired Employee, R/o. Ward No. 26, H. No. 9-25-52E, Janatha Pet North, Kavali, Nellore District.
6. Utpala Krishnaveni, W/o. Venkata Ramanuja Charyulu, Occ. House wife, R/o. Ward No. 26, H. No. 9-25-52E, Janatha Pet North, Kavali, Nellore District
...Respondents/Respondents 4 to 8
(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 interim stay granted by this court in I.A No. 3 of 2020 in MACMA No. 542 of 2020 dated 11/11/2020, Pending disposal of MACMA No. 542 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 11.11.2020 made in IA No.3 of 2020 and upon hearing the arguments of Sri N Vasudeva Reddy Advocate for the petitioner in IA No.3 of 2020 and Respondent No.1 in IA No.1 of 2021 and of Sri Kalagatla Koteswara Rao Advocate for the Respondents No.1 to 3 in IA No.3 of 2020 and petitioners in IA No.1 of 2021, Sri Singam Srinivasa Rao, Advocate for Respondents No.7 & 8 in IA No.3 of 2020 and respondent Nos.5 and 6 in IA No.1 of 2021, the Court made the following

ORDER

This application is filed to vacate the interim order dt.11-11-2020 in I.A.No.3 of 2020 in M.A.C.M.A.No.542 of 2020.

Heard the learned counsel for petitioners, Sri N.Vasudeva Reddy, learned counsel for 1st respondent and Sri Singam Srinivasa Rao, learned counsel for respondent Nos.5 and 6.

Having regard to the decision of the Division Bench of this Court in C.M.A.No.2617 of 1998 and batch and the decision of the Supreme Court in Civil Appeal No.8785-8786 of 2015, wherein the term 'use of vehicle' appearing in Section 165 of the Motor Vehicles Act, 1988 was interpreted

broadly to cover negligence on the part of employees of transporter/1st respondent and only the existence of causal relationship with the use of motor vehicle was held sufficient to impose liability on the carrier/transporter, and having regard to the findings recorded by the Court below in para-25 and 26 that there was no checking of any of the passengers including wrongdoer, (who stabbed the husband of 1st respondent) before the said wrongdoer boarded the bus from Bhadrachalam to Vijayawada, and that the 1st respondent Corporation was therefore negligent, we modify the order dt.11-11-2020 in I.A.No.3 of 2020 in M.A.C.M.A.No.542 of 2020 as under:

"Pending further orders, the appellant/1st respondent in this application shall deposit 50% of the compensation awarded by the MACT-cum-The Court of Chief Judge, City Civil Court, Hyderabad in M.V.O.P.No.762 of 2013 along with accrued interest and costs within eight (08) weeks to the credit of the said MVOP.

On such deposit, respondent No.1, 7 and 8/applicant No.1 and respondent Nos.5 and 6 in this application are permitted to withdraw their proportionate shares without furnishing any security."

//TRUE COPY//

SD/- R. KARTHIKEYAN
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Motor Accident Claims Tribunal- Cum - The Chief Judge, City Civil Court at Hyderabad
2. One CC to Sri N Vasudeva Reddy Advocate [OPUC]
3. One CC to Sri Kalagatla Koteswara Rao Advocate [OPUC]
4. One CC to Sri Singam Srinivasa Rao Advocate [OPUC]
5. Two spare copies

HIGH COURT

**MSRJ
&
TVKJ**

DATED:25/02/2021

ORDER



**IA No. 1 OF 2021
IN
IA No. 3 OF 2020
IN
MACMA NO: 542 OF 2020**

DIRECTION