

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND NINETEEN

:PRESENT:**THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD****IA Nos.1 & 2 OF 2019****IN****MACMA NO: 1303 OF 2019****IA No. 1 OF 2019****Between:**

1. Managing Director, NEKRTC, North East Karnataka Road Transport Corporation, Bidar Division, Bidar District, Karnataka State.
2. The Depot Manager, NEKRTC, North East Karnataka Road Transport Corporation, Bhalki Division, Bidar District, Karnataka State.

...Petitioners/Appellants

(Appellants in MACMA No. 1303 OF 2019
on the file of High Court)

AND

1. Laleeta Devi, W/o. Ugnarayana Prasad Yadav, Household, H.No. H.No. 20-3-71/A/6, Puranapul, Hyderabad.
2. Pushpa Kumari, D/o. Ugnarayan Prasad Yadav, H.No. 20-3-71/A/6, Puranapul, Hyderabad.
3. Bibek Kumar, D/o. Ugnarayan Prasad Yadav, 10 years, H.No. 20-3-71/A/6, Puranapul, Hyderabad.
Respondents No 2 and 3 are Minors Rep. by Natural Guardian Mother Laleeta Devi
4. Anil Kumar, S/o. Babu Rao, Driver (DL. No. KA 39 2001 0000089) R/o. Khatak Chincholi, Tq. Bhalki, Bidar, Karnataka State.
(Respondent No.4 is not necessary party in 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 stay of all further proceedings including the execution of the Judgment and Decree dated. 17-11-2018, in MVOP NO. 1704 of 2015, Passed by the Chairman, MACT-Cum-IX Additional Chief Judge, City Civil Court at Hyderabad, pending disposal of MACMA No. 1303 of 2019, on the file of the High Court.

IA No. 2 OF 2019**Between:**

1. Laleeta Devi, W/o. Ugnarayana Prasad Yadav, Household, H.No. H.No. 20-3-71/A/6, Puranapul, Hyderabad.
2. Pushpa Kumari, D/o. Ugnarayan Prasad Yadav, aged 21 years, H.No. 20-3-71/A/6, Puranapul, Hyderabad.
3. Bibek Kumar, D/o. Ugnarayan Prasad Yadav, 10 years, H.No. 20-3-71/A/6, Puranapul, Hyderabad.
(petitioner No.3 are Minor Rep. by petitioner No.1)

...Petitioners/Respondents

(Respondents No.1 to 3 in MACMA No. 1303 OF 2019
on the file of High Court)

AND

1. Managing Director, NEKRTC, North East Karnataka Road Transport Corporation, Bidar Division, Bidar District, Karnataka State.
2. The Depot Manager, NEKRTC, North East Karnataka Road Transport Corporation, Bidar Division, Bidar District, Karnataka State.
3. Anil Kumar, S/o. Babu Rao, Driver (DL. No. KA 39 2001 0000089)
R/o. Khatak Chincholi, Tq. Bhalki, Bidar, Karnataka State.
(Respondent Nos. 2 & 3 is not necessary parties in 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 stay orders passed in IA No. 1 of 2019 in MACMA No. 1303 of 2019 dated 20-06-2019, Pending disposal of MACMA No. 1303 of 2019, 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 20.06.2019 made in IA No.1 of 2019 and upon hearing the arguments of Sri E Venkata Reddy Advocate for the petitioners in IA No.1 of 2019 Respondents No.1 & 2 in IA No.2 of 2019 and of Sri V. Atchuta Ram, Advocate for the petitioners No.1 to 3 in IA No.2 of 2019 and Respondent No.1 to 3 in IA No.1 of 2019, the Court made the following

ORDER

The appellant/RTC filed the appeal challenging the award granted by the Tribunal.

On 20-06-2019, in I.A.No.1 of 2019, this Court granted interim stay subject to condition that the appellant/insurer deposits 50% of the decretal amount along with proportionate costs, within a period of six weeks.

In pursuance thereof, it is represented that the appellant/RTC has already complied with the said order and the amount has been deposited. Later the claimants filed I.A.No.2 of 2019 to vacate the order passed in I.A.No.1 of 2019 and during the course of arguments, pleaded for modification of the same by permitting them to withdraw the amounts already deposited in terms of the orders passed by this Court.

Heard both sides.

Having regard to the facts of the case, claimants are permitted to withdraw the amount deposited in the Court together with interest and costs thereon without furnishing any security as per proportionate share from out of the deposited amount.

Accordingly, I.A.No.2 of 2019 is dismissed and the order passed in I.A.No.1 of 2019 is modified.

Sd/- CH. VENKATESWARLU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman, Motor Accident Claims Tribunal-Cum-IX Additional Chief Judge, City Civil Court at Hyderabad
2. One CC to Sri E Venkata Reddy Advocate [OPUC]
3. One CC to Sri V. Atchuta Ram Advocate [OPUC]
4. One spare copy

HIGH COURT

TAJ

DATED:24/09/2019

ORDER

**IA Nos.1 & 2 OF 2019
IN
MACMA NO: 1303 OF 2019**

DIRECTION

