

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

THURSDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HON'BLE SMT JUSTICE M.G.PRIYADARSINI

IA No. 4 OF 2024

IN

MACMA NO: 652 OF 2024

IA No. 3 OF 2024

Between:

Cholamandalam MS General Insurance Company Ltd., Represented by its
Divisional Manager, 2nd Floor, Jhaveri Mansion, Bank Street, Koti, Hyderabad.

...Petitioner/Appellant/Petitioner
(Appellant in MACMA 652 OF 2024
on the file of High Court)

AND

1. D Agaiah, S/o Late Ramaiah, Occ. Agriculturist R/o Gopalpur Village & Mandal, Karimnagar District – 505 0476.
2. D Sampath, S/o Late D Agaiah, Occ. Labour Work R/o Gopalpur Village & Mandal, Karimnagar District – 505 0476
3. Shiva Shanker Saini S/o.Laxminarayana, Occ Business-cum-Owner of Maruti Celerio ZXI BSIV Car bearing No. TS 02 EQ 0123, R/o. H No.3-7-633, Vavilalapally Village, Karimnagar, Karimnagar District – 505 001.
4. Kotte Ravinder S/o Lasumaiah, Occ Driver of Maruti Celerio ZXI BSIV Car bearing No.TS 02 EQ 0123, R/o.H No.4-44, Ganneruvaram, Karimnagar – 505 530.

...Respondents
(Respondents in-do-)

Petition under Section 151 of C.P.C 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 judgment dated 12-05-2023 in M.V.O.P.No.2288 of 2018 on the file of II Additional Chief Judge, City Civil Court, at Hyderabad, pending disposal of MACMA No.652 of 2024, on the file of the High Court.

IA No. 4 OF 2024

Between:

1. D Agaiah, S/o Late Ramaiah, Occ. Agriculturist R/o Gopalpur Village & Mandal, Karimnagar District – 505 0476.
2. D Sampath, S/o Late D Agaiah, Occ. Labour Work R/o Gopalpur Village & Mandal, Karimnagar District – 505 0476

...Petitioners Respondents
(Respondents in MACMA 652 OF 2024
on the file of High Court)

AND

1. Cholanmandalam MS General Insurance Company Ltd., Represented by its Divisional Manager, 2nd Floor, Jhaveri Mansion, Bank Street, Koti, Hyderabad.
Respondent / Petitioner
2. Shiva Shanker Saini S/o.Laxminarayana, Occ Business-cum-Owner of Maruti Celerio ZXI BSIV Car bearing No. TS 02 EQ 0123, R/o. H No.3-7-633, Vavilalapally Village, Karimnagar, Karimnagar District – 505 001.
3. Kotte Ravinder S/o Lasumaiah, Occ Driver of Maruti Celerio ZXI BSIV Car bearing No.TS 02 EQ 0123, R/o.H No.4-44, Ganneruvaram, Karimnagar – 505 530. (Respondents No.2 & 3 are not necessary parties in this petition)

...Respondents
(Respondents in-do-)

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the stay order passed in IA.No.3 of 2024 in MACMA.No.652 of 2024 dated 07.06.2024;

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and the order of the High Court dated 07.06.2024 passed in IA.No.3 of 2024 and upon hearing the arguments of SRI HARINATH REDDY SOMA, Advocate for Petitioner in IA.No.3 of 2024, Respondent No.1 in IA.No.4 of 2024 and Sri JAGATHPAL REDDY, Advocate for Petitioners in IA.No.4 of 2024, Respondent Nos.1 & 2 in IA.No.3 of 2024, the Court made the following;

ORDER

This Interlocutory Application is filed for vacating the interim stay granted by this Court on 07.06.2024 in I.A.No.3 of 2024 in the appeal and sought permission to withdraw deposited amount.

Heard both sides. Perused the record.

The main contention of learned counsel for petitioner-claimant is that though this Court granted interim stay subject to the condition of appellant depositing 50% of the decretal amount together with costs and interest, but no order has been passed for withdrawing the said amount and hence sought permission for withdrawal of the deposited amount for which learned counsel for appellant reported no objection.

Having considered the said submissions, this Court is of the considered opinion that the deposited amount together with costs and interest, can be withdrawn by petitioners-claimants without furnishing any security.

SD/-N.SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional Chief Judge, City Civil Court, at Hyderabad
2. One CC to SRI HARINATH REDDY SOMA Advocate [OPUC]
3. One CC to SRI JAGATHPAL REDDY Advocate [OPUC]
4. One spare copy

HIGH COURT

MGP,J

DATED: 14.11.2024

POST ON 05.12.2024 FOR FINAL HEARING

ORDER

IA No.4 of 2024

In

MACMA.No.652 of 2024

DIRECTION

