

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

**TUESDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

:PRESENT:

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

IA No. 3 OF 2025

IN

I.A.No.3 of 2024

IN

MACMA NO: 718 OF 2024

Between:

1. B.Jayamma, W/o B.Bhagavanthu. —
2. B.Swetha, D/o B.Bhagavanthu. —
3. B.Manasa, D/o B.Bhagavanthu. —
4. B.Shashi Kumar, S/o B.Bhagavanthu. . .

... Vacate Stay Petitioners/Respondent Nos. 1 to 4
(Respondent Nos. 1 to 4 in MACMA 718 OF 2024
on the file of High Court)

AND

1. Bharathi AXA General Insurance Company Limited, It is merged with ICICI Lombard General Insurance Company Limited, Represented by its Branch Manager, 3rd Floor, 6-3-666/B/6, Gokul Towers, Panjagutta, Hyderabad-500 082.

Respondent /Appellant -

2. Bella Diseno Project, Rept. by MD Khaja Fahimuddin Aged. Major, Occ. Owner of Verna Car bearing no.AP 09 CF 8199, R/o. Flat no.201, Santhoshiya Apartments, Plot no.56, Srinagar Colony, Hyderabad-500 073.
3. Mohd Iqbal Ali, S/o Mohammed Ali, Aged. 66 Years, Occ. Driver of Verna Car bearing no.AP 09 CF 8199, R/o. H.No.6-4-91/B, Habbeb Naaar, Mahabubnagar-509 001.
4. Gajula Nagaraju, S/o G. Shekar, Aged. 45 Years, Occ. Owner of Auto Rickshaw Beahng no.AP 22 Y 1965, R/o. H.No.2-23, Munimanda Geri, Manikonda Village, Koilkonda, Mahabubnagar Mandal and District-509 204.
(Respondent Nos. 2 to 4 made only a proforma party in this Cross Objections and no notice is necessary to him)

...Respondent/Respondent Nos. 5 to 7
(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 granted by order Dated: 14/6/2024 in I.A.No: 3 of 2024 in M.A.C.M.A.No: 718 OF 2024, pending disposal of MACMA No. 718 of 2024, on the file of the High Court.

I.A.No: 3 of 2024:

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 operation of decree and judgment dated 25-11-2023 in M.V.O.P.No.247 of 2016 on the file of Motor Accidents Claims Tribunal-cum-III Additional District Judge-cum-Judge, Family Court, at Mahabubnagar, pending disposal of MACMA No. 718 of 2024, 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 14.06.2024 made in I.A.No: 3 of 2024 and upon hearing the arguments of Sri HARINATH REDDY SOMA Advocate for the Respondent No. 1 in I.A.No: 3 of 2025 and Sri K — VENKATESH GUPTA Advocate for the Petitioners in I.A.No: 3 of 2025.

The Court made the following
ORDER

This application is filed by the petitioners/respondent Nos.1 to 4 seeking to vacate the interim order passed in I.A.No.3 of 2024 in M.A.C.M.A.No.718 of 2024, dated 14.06.2024 by permitting the petitioners to withdraw their share from the deposited amount without furnishing any security pending disposal of the above M.A.C.M.A. in the interest of justice.

This Court vide order, dated 14.06.2024, granted stay, subject to condition that the appellant/petitioner shall deposit 50% of the award amount awarded by the Tribunal together with proportionate costs and interest.

Heard learned counsel for the petitioners/respondent Nos.1 to 4.

Learned counsel for the petitioners/respondent Nos.1 to 4 prays for withdrawal of the amount already deposited as per the order, dated 14.06.2024, passed in I.A.No.3 of 2024 in M.A.C.M.A.No.718 of 2024.

On due consideration of the submissions made by the learned counsel for the petitioners/respondent Nos.1 to 4 and also considering the reasons cited in the accompanying affidavit, this Court deems it appropriate to modify the order, dated 14.06.2024, and permit the petitioners/respondent Nos.1 to 4 to withdraw their share from the amount deposited as per the order, dated 14.06.2024, passed in I.A.No.3 of 2024 in M.A.C.M.A.No.718 of 2024.

Accordingly, this application is disposed of with the above modification.

Sd/- AHMAD ABDULLA KHAN
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Motor Accidents Claims Tribunal-cum-III Additional District Judge-cum-Judge, Family Court, at Mahabubnagar. —
2. One CC to SRI. HARINATH REDDY SOMA Advocate [OPUC] —
3. One CC to SRI. K VENKATESH GUPTA Advocate [OPUC] —
4. One spare copy —

HIGH COURT

NBK, J

DATED:03/02/2026

ORDER

I.A.No.3 of 2025

IN

I.A.No.3 of 2024

IN

MACMA.No.718 of 2024

DIRECTION

