

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND NINETEEN

:PRESENT:**THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD****IA No. 2 OF 2019****IN****IA No. 1 OF 2019****IN****MACMA NO: 2768 OF 2019****IA No. 1 OF 2019****Between:**

M/s. HDFC ERGO General Insurance Company Ltd., through its Manager,
6-3-346/1, 2nd floor Opp.Jalagam Vengal Rao Park, Road No.1 Banjara Hills,
Hyderabad-34 Policy Cover Note No.006600314351

...Petitioner/Appellant
(Appellant in MACMA No. 2768 OF 2019
on the file of High Court)

AND

1. Mohd. Ismail S/o Nizamuddin, R/o H.No.4-35, Market Road, Patancheru Town and Mandal, Medak District.
2. Meharunnisa, W/o Mohd. Ismail, Occ. Household R/o H.No.4-35, Market Road, Patancheru Town and Mandal, Medak District.
3. Shaik Ikramuddin, S/o Shaik Mehboob, Occ. Owner of Lorry Bearing No.AP-28-TA-8605, R/o 14-1-137, New Allapur, Medchal, Rangareddy District.
4. Md. Riyaz Khan, S/o Md. Baba Khan, Occ. Driver of Lorry bearing No.AP-28-TA-8605, R/o H.No.38, Chubara, Bidar Town and Dist.
(R-3 and 4 are not necessary)

...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 stay the execution of decree and judgment passed in M.V.O.P.No. 87 of 2015 dated 27/03/2019 on the file of the Motor Accidents Claims Tribunal-Cum-I Addl. District and Sessions Judge, Medak at Sangareddy, pending disposal of the MACMA No.2768 of 2019, on the file of the High Court.

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

1. Mohd. Ismail S/o Nizamuddin, R/o H.No.4-35, Market Road, Patancheru Town and Mandal, Medak District.
2. Meharunnisa, W/o Mohd. Ismail, Occ. Household R/o H.No.4-35, Market Road, Patancheru Town and Mandal, Medak District.

...Petitioner/Respondent No.1 & 2/Clamants
(Respondents No.1 & 2 in MACMA No. 2768 OF 2019
on the file of High Court)

AND

1. M/s.HDFC ERGO General Insurance Company Ltd., through its Manager,
6-3-346/1, 2nd floor Opp.Jalagam Vengal Rao Park, Road No.1 Banjara Hills,
Hyderabad-34

Respondent/Appellant/Respondent No.2

2. Shaik Ikramuddin, S/o Shaik Mehboob, Occ. Owner of Lorry Bearing No.AP-28-TA-8605, R/o 14-1-137, New Allapur, Medchal, Rangareddy District.
3. Md. Riyaz Khan, S/o Md. Baba Khan, Occ. Driver of Lorry bearing No.AP-28-TA-8605, R/o H.No.38, Chubara, Bidar Town and Dist.

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

...Respondents/Respondents 3 & 4/Respondents No.1 & 3
(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 orders passed in IA No. 1 of 2019 in MACMA No. 2768 of 2019, dt. 02-08-2019 by permitting the petitioners to withdraw the amount deposited by the Respondent/Appellant, pending disposal of MACMA No. 2768 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 01.08.2019 made in IA No.1 of 2019 and upon hearing the arguments of Sri Kota Subba Rao Advocate for the petitioner in IA No.1 of 2019 and Respondent No.1 in IA No.2 of 2019 and of Sri Palle Sriharinath Advocate for the Respondents No.1 & 2 in IA No.1 of 2019 and petitioners in IA No.2 of 2019, the Court made the following

ORDER

Heard.

The petitioners/respondents 1 & 2/claimants are permitted to withdraw the amount deposited by the appellant together with interest and costs thereon without furnishing any security as per proportionate shares from out of the deposited amount.

Accordingly, the vacate petition is dismissed and stay granted earlier is made absolute.

//TRUE COPY//

**SD/- T. RANGA BABU
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Chairman, Motor Accidents Claims Tribunal-Cum-I Addl. District and Sessions Judge, Medak at Sangareddy
2. One CC to Sri Kota Subba Rao Advocate [OPUC]
3. One CC to Sri Palle Sriharinath Advocate [OPUC]
4. One spare copy

HIGH COURT

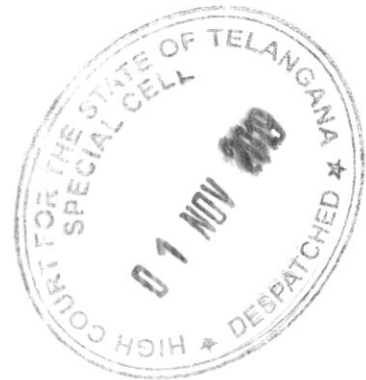
TAJ

DATED:25/10/2019

ORDER

**IA No. 2 OF 2019
IN
IA No. 1 OF 2019
IN
MACMA NO: 2768 OF 2019**

DIRECTION



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