

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

IA No.1 OF 2020

IN

IA No. 1 OF 2019

IN

MACMA NO: 3230 OF 2019

IA No. 1 OF 2019

Between:

1. The Chairman and Managing Director, Telangana State Road Transport Corporation, (Prior to bifurcation known as APSRTC), Rep. by its R.M. Shanthi Nagar, Sangareddy. (Owner of Crime Vehicle Bearing No. AP 29 Z 0590 of Huzurabad Depot)
2. The Deport Manager, Telangana State Road Transport Corporation, (Prior to bifurcation known as APSRTC), Siddipet, Medak District

...Petitioners/Appellants/Respondent
(Appellants in MACMA 3230 OF 2019
on the file of High Court)

AND

1. Padmati Manjula W/o. Late Bhupathi Reddy, Occ. Housewife, R/o.H.No.1-48, Sirisanagandla Village of Kondapak Mandal, Medak Dist.
2. Padmati Pavan Reddy, S/o. Late Bhupathi Reddy, (Aged 11 years, Occ. Student, R/o. H. No. 1-48, Sirisanagandla Village of Kondapak Mandal, Medak Dist.
3. Padmati Manashwini, D/o. Late Bhupathi Reddy, Aged 10 years, Occ.Student, R/o. H. No. 1-48, Sirisanagandla Village of Kondapak Mandal, Medak Dist.
(Respondents No. 2 and 3 being minors represented by their mother and natural guardian i.e. Respondent No.1 herein namely Padmati Manjula).

Respondents/plaintiffs

4. A. Dhanunjaya, Occ. Driver of bus bearing No. AP29Z0590, of Huzurabad Depot, C/o. Huzurabad Bus Depot, Karimnagar District.
(Respondents No.4 herein is not a necessary party in this Appeal as no relief is claimed against him.)

...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 Court of the Motor Accidents Claims Tribunal- Cum- IV Addl. District Judge (FTC) At Siddipet, dt. 10.04.2019, made in OP.No.131 of 2015, pending disposal of MACMA No. 3230 of 2019, on the file of the High Court.

IA No. 1 OF 2020

Between:

1. Padmati Manjula W/o. Late Bhupathi Reddy, Occ. Housewife.
 2. Padmati Pavan Reddy, S/o. Late Bhupathi Reddy, Aged 16 years, Occ. Student,
 3. Padmati Manashwini, D/o. Late Bhupathi Reddy, Aged 14 years, Occ. Student,
- All are R/o. H. No. 1-48, Sirisanagandla Village of Kondapak Mandal, Medak Dist.
(Respondents No. 2 and 3 being minors represented by their mother and natural guardian i.e. Respondent No.1 herein namely Padmati Manjula).

...Petitioners/Respondent No.1 to 3/Claimants
(Respondents No.1 to 3 in MACMA 3230 OF 2019
on the file of High Court)

AND

1. The Chairman and Managing Director, Telangana State Road Transport Corporation, (Prior to bifurcation known as APSRTC), Rep. by its R.M. Shanthi Nagar, Sangareddy. (Owner of Crime Vehicle Bearing No. AP 29 Z 0590 of Huzurabad Depot)
2. The Depot Manager, Telangana State Road Transport Corporation, (Prior to bifurcation known as APSRTC), Siddipet, Medak District

Respondent/Appellant/Respondent No.1 & 2

3. A. Dhanunjaya, Occ. Driver of bus bearing No. AP29Z0590, of Huzurabad Depot, C/o. Huzurabad Bus Depot, Karimnagar District.
(Respondents No.3 is not a necessary party in this petition)

...Respondent/Respondent/Respondent No.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.01 of 2019 in MACMA No.3230 of 2019 dated 23.09.2019 by permitting the petitioners to withdraw the amount deposited by the respondent/Appellant, pending disposal of MACMA No.3230 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 23.09.2019 made in IA No.1 of 2019 and upon hearing the arguments of Sri N.Vasudeva Reddy Advocate for the petitioners in IA No.1 of 2019 and respondent Nos.1 & 2 in IA No.1 of 2020, Sri P.Srihari Nath Advocate for the Respondent Nos.1 to 3 in IA No.1 of 2019 and petitioners in IA No.1 of 2020, the Court made the following

ORDER

This petition is filed by the petitioners/respondents 1 to 3/claimants seeking to vacate the interim stay granted on 23.09.2019 in I.A.No.1 of 2019 in MACMA.No.3230 of 2019, for permitting them to withdraw the amount deposited by the appellants/TSRTC.

Heard.

Vide order, dated 23.09.2019, this Court granted interim stay of execution of decree and order in O.P.No.131 of 2015, passed by the Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge (FTC), Siddipet, subject to the appellants/TSRTC depositing 50% of the decretal amount together with costs and interest, if any, within eight (08) weeks from that day.

Now it is submitted by the learned Standing Counsel for the respondents 1 & 2/appellants/TSRTC that the appellants Corporation has deposited 50% of the decretal amount in compliance with the order, dated 23.09.2019.

In view of the same, the 1st petitioner/1st respondent/1st claimant is permitted to withdraw her share of the amount as apportioned by the Tribunal in the impugned award from out of the deposited amount together with interest and costs thereon without furnishing any security.

Accordingly, vacate stay petition is dismissed and stay made absolute.

Sd/- N. CHANDRASEKHARA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge (FTC), Siddipet
2. One CC to Sri N.Vasudeva Reddy Advocate [OPUC]
3. One CC to Sri P.Srihari Nath Advocate [OPUC]
4. One spare copy

HIGH COURT

KLJ

DATED:20/02/2020

ORDER

**IA No.1 OF 2020
IN
IA No. 1 OF 2019
IN
MACMA NO: 3230 OF 2019**

DIRECTION

