

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE FOURTH DAY OF JANUARY,
TWO THOUSAND AND TWENTY TWO

:PRESENT:
THE HON'BLE SRI JUSTICE N.TUKARAMJI

IA No. 3 OF 2021
IN
MACMA NO: 638 OF 2021

I.A. NO. 2 OF 2021:

Between:

Shriram General Insurance Co.Ltd, Branch Manager, Near Ekashila Park, Balasamudram, Hanamkonda, Warangal District, Rep. by its Legal Manager, No.3-6-517, Flat No.401 and 403, 4th Floor, Sai Datta Arcase, Street No.6, Himayatnagar, Hyderabad.

...Petitioners
(Appellant in MACMA 638 OF 2021
on the file of High Court)

AND

1. Mutyam Sadanandam, S/o. Venkataiah, (Previously he was an auto driver and agriculturist), R/o. Kamalapuram Village, Narsampet Mandal, Warangal District.
2. Akarapu Mallaiah @ Milan, S/o. Ugender, Occ. Driver, R/o. Kummarikunta Colony, Narsampet Village and Mandal, Warangal District.
3. Sripelli Sarojana, W/o. Shekaraiah, Occ. Business, R/o.H.No.1-244/1, Narsampet Village and Mandal, Warangal District.
4. The Bajaj Allianz General Insurance Co.Ltd, Rep. by its Branch Manager, Near Adalath, Hanamkonda, Warangal District.

...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 of all further proceedings of the execution of the Judgement and decree passed in M.V.O.P.No.1184/2016, dated 02/02/2021, on the file of Motor Accident Claims Tribunal Cum VI Additional District Judge, Mahabubabad, pending disposal of MACMA No. 638 of 2021, on the file of the High Court.

IA. NO. 3 OF 2021:

Between:

Mutyam Sadanandam, S/o. Venkataiah, R/o. Kamalapuram Village, Narsampet Mandal, Warangal District.

Petitioner/Respondent
Respondent No.1 in IA. No. 2 of 2021
(Respondent No.1 in MACMA. No. 638 of 2021
On the file of the High Court)

AND

1. Shriram General Insurance Co. Ltd, Branch Manager, Near Ekashila Park, Balasamudram, Hanamkonda, Warangal District, Rep. by its Legal Manager, No.3-6-517, Flat No.401 and 403, 4th Floor, Sai Datta Arcase, Street No.6, Himayatnagar, Hyderabad.

Respondent
Petitioner in IA. No. 2 of 2021
(Appellant in MACMA. No. 638 of 2021
On the file of the High Court)

2. Akarapu Mallaiah @ Milan, S/o. Ugender, Occ. Driver, R/o. Kummarikunta Colony, Narsampet Village and Mandal, Warangal District.
3. Sripelli Sarojana, W/o. Shekaraiah, Occ. Business, R/o.H.No.1-244/1, Narsampet Village and Mandal, Warangal District.

4. The Bajaj Allianz General Insurance Co.Ltd, Rep. by its Branch Manager, Near Adalath, Hanamkonda, Warangal District.
(Respondents 2 and 3 remained exparte before the Court below and as against Respondent No.4 the petition was dismissed as not pressed as such, the Respondents No. 2, 3, & 4 are not necessary parties to this petition)

Respondents/Respondents
(Respondents No. 2 to 4 in -do-)
(Respondents No. 2 to 4 in -do-)

Petition under Section 151 of CPC, praying that in the circumstances stated in the petition and the counter affidavit filed therein, the High Court may be pleased to vacate the interim stay granted by this Hon'ble Court dated 20-09-2021 made in IA. No.2 of 2021 in MACMA. NO. 638 of 2021 while directing the appellant to deposit the entire amount.

The petition coming on for hearing, upon perusing the petition, affidavit and the counter affidavit filed therein, and the order of the High Court dated 20-09-2021 made in IA. No.2 of 2021, and upon hearing the arguments of Sri Kondadi Ajay Kumar, Advocate for the petitioner in IA. No. 2 of 2021 and Respondent No. 1 in IA. No.3 of 2021, and of Sri G.Anandam, Advocate for the Respondent No.1 in IA. No. 2 of 2021 and petitioner in IA. No. 3 of 2021, the Court made the following;

ORDER:

"The petitioner/claimant filed this application with a prayer to vacate the interim stay granted on 20-09-2021 in I.A. No. 2 of 2021 by this Court.

The respondent/appellant/insurer by order dated 20-09-2021 interim stay was granted subject to deposit of 50% decretal amount together with interest and costs.

Learned counsel for the respondent/appellant submits that the amounts were deposited and the order is complied with and he has no specific objection if the amounts were permitted to be withdrawn by the petitioner/claimant.

In view of the submissions, by permitting the petitioner/respondent to withdraw the amounts deposited by the respondent/appellant making the interim direction as absolute.

The petitioner/claimant is permitted to withdraw the amounts on proper application from the Tribunal.

Accordingly, the petition is allowed."

//TRUE COPY//

SD/- I. NAGA LAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chairman, Motor Accident Claims Tribunal Cum VI Additional District Judge, Mahabubabad
2. One CC to Sri Kondadi Ajay Kumar Advocate [OPUC]
3. One CC to Sri G.Anandam, Advocate (OPUC)
4. One spare copy

HIGH COURT

NTR,J

DATE: 04-01-2022

ORDER

I.A.NO. 3 OF 2021

IN

MACMA. NO. 638 OF 2021

DIRECTION

