

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY SEVENTH DAY OF NOVEMBER
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: 3386 OF 2019

IA No. 1 OF 2019

Between:

The Divisional Controller, N.E.K.R.T.C., Bidar Division, Bidar.

...Petitioner

(Appellant in MACMA 3386 OF 2019
on the file of High Court)

AND

1. Shivakumar S/o. Vaijinath, Occ. Private Employee, R/o.H.No.149, Handikera village, Humunabad Tq, Bidar District.
2. Vidyavathi, W/o.Manoj, Occ.House wife, R/.H.No.149, Handikera village, Humunabad Tq, Bidar District
3. Santhosh, s/o. Vaijinath, Occ. Private Employee, R/o.H.No.149, Handikera village, Humunabad Tq, Bidar District
4. Sanjeev Kumar, S/o. Vaijinath, Occ. Private Employee, R/o.H.No.149, Handikera village, Humunabad Tq, Bidar District
5. Maruthi, S/o. Dhondeba, Occ. Driver of NEKRTC, Rajeshwar Village, Basawakalyan (Tq) Bidar district
(Respondent No.5 is not necessary party in this petition)

...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 all further proceedings including the execution of the Judgment and Decree, dated 10-05-2019 in MVOP NO. 215 of 2018, passed by the MACT-cum-II Additional District and Sessions Judge, Medak at Sanga Reddy, pending disposal of MACMA No. 3386 of 2019, on the file of the High Court.

IA No. 2 OF 2019

Between:

1. Shivakumar S/o. Vaijinath, Occ. Private Employee, R/o.H.No.149, Handikera village, Humunabad Tq, Bidar District.
2. Vidyavathi, W/o.Manoj, Occ.House wife, R/.H.No.149, Handikera village, Humunabad Tq, Bidar District
3. Santhosh, s/o. Vaijinath, Occ. Private Employee, R/o.H.No.149, Handikera village, Humunabad Tq, Bidar District
4. Sanjeev Kumar, S/o. Vaijinath, Occ. Private Employee, R/o.H.No.149, Handikera village, Humunabad Tq, Bidar District

...Petitioners/Respondent No.1 to 4/Claimants
(Respondent No.1 to 4 in MACMA 3386 OF 2019
on the file of High Court)

AND

1. The Divisional Controller, N.E.K.R.T.C., Bidar Division, Bidar.
Respondent/Appellant/Respondent No.2
2. Maruthi, S/o. Dhondeba, Occ. Driver of NEKRTC, Rajeshwar ~~Village~~,
Basawakalyan (Tq) Bidar district
(Respondent No.2 is not necessary party in this petition)
...Respondent/Respondent No.5/Respondent No.1
(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. 3386 of 2019, dt. 13-10-2019 by permitting the petitioners to withdraw the amount deposited by the Respondent/Appellant pending disposal of MACMA No. 3386 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 30.10.2019 made in IA No.1 of 2019 and upon hearing the arguments of Sri E Venkata Reddy 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 to 4 in IA No.1 of 2019 and petitioners in IA No.2 of 2019, the Court made the following

ORDER

The petitioners/respondents 1 to 4/claimants, who are major, are permitted to withdraw the amount deposited by the appellant/insurance company together with interest and costs thereon without furnishing any security as per proportionate share from out of the deposited amount.

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

Sd/- M. MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Chairman Motor Accidents Claims Tribunal-cum-II Additional District & Sessions Judge, Medak at Sanga Reddy
2. One CC to Sri E Venkata Reddy Advocate [OPUC]
3. One CC to Sri Palle Sriharinath Advocate [OPUC]
4. One spare copy

HIGH COURT

TAJ

DATED: 27/11/2019

ORDER

**IA No. 2 OF 2019
IN
IA No. 1 OF 2019
IN
MACMA NO: 3386 OF 2019**

DIRECTION

