

[2691]

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
FRIDAY, THE THIRD DAY OF JANUARY
TWO THOUSAND AND TWENTY

:PRESENT:
THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER
IA No. 3 OF 2019
IN
IA No. 2 OF 2019
IN
CMA NO: 1066 OF 2019

IA No. 2 OF 2019

Between:

United India Insurance Co. Ltd., Rep. by its Regional Manager, United India Insurance Building, Boggulakunta, Ramkoti, Hyderabad

...Petitioner/Appellant
(Appellant in CMA No. 1066 OF 2019
on the file of High Court)

AND

1. MD. Mujeeb, S/o. Rasool, Driver, H.NO. 3-3-150/37, Baba Nagar, Sangareddy, Medak-502001
2. Mohammed Akbar, S/o. Mohd. Safi, Major, Business, R/o. D.No. 6-6-175/2, Someshwarwada, Sangareddy Town, Medak
(R-2 is not necessary party in this petition)

...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 of all further proceedings including the execution of the Orders, dated. 05-08-2019 in E.C NO: 154 of 2015 Passed by the Commissioner for Employees' Compensation and Deputy Commissioner of Labour-I T. Anjaiah Karmika Samkshema Bhavanam, RTC X Roads, Hyderabad, pending disposal of CMA No. 1066 of 2019, on the file of the High Court.

IA No.3 OF 2019

Between:

MD. Mujeeb, S/o. Rasool, Driver, H.NO. 3-3-150/37, Baba Nagar, Sangareddy, Medak-502001

...Petitioner/Respondent/Applicant
(Respondent No.1 in CMA No. 1066 OF 2019
on the file of High Court)

AND

1. United India Insurance Co. Ltd., Rep. by its Regional Manager, United India Insurance Building, Boggulakunta, Ramkoti, Hyderabad
Respondent/Appellant/Opp.Party No.2
2. Mohammed Akbar, S/o. Mohd. Safi, Major, Business, R/o. D.No. 6-6-175/2, Someshwarwada, Sangareddy Town, Medak
(R-2 is not necessary party in this petition)

...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 vacate the interim order, dated 16-12-2019 passed in I.A.No.2 of 2019 in C.M.A.No.1066 of 2019, Pending disposal of CMA No.1066 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 16.02.2019 made in IA No.2 of 2019 and upon hearing the arguments of Sri V Sambasiva Rao Advocate for the petitioner in IA No.2 of 2019 and Respondent No.1 in IA No.3 of 2019 and of Sri C Mohan Prakash Advocate for the Respondent No.1 in IA No.2 of 2019 and petitioner in IA No.3 of 2019, the Court made the following

ORDER

This application is filed by the petitioner/ applicant, requesting to vacate the interim stay granted by this Court on 16.12.2019, in I.A.No.2 of 2019.

Heard both sides. Perused the record.

In the course of submissions, it is brought to the notice of this Court that the entire compensation amount and costs were deposited to the credit of the subject E.C. before the Commissioner for Employees' Compensation and Deputy Commissioner of Labour-I, Hyderabad. It is further contended on behalf of the respondent No.1/Insurance Company that the driver of the subject vehicle was not possessing valid driving license to drive the subject vehicle as on the date of subject accident and he was only possessing license to drive Light Motor Vehicles. This aspect would be considered while determination of the main appeal.

Under these circumstances, the petitioner/ applicant is permitted to withdraw 50% of the decretal amount, in terms of the Award passed by the Commissioner for Employees' Compensation and Deputy Commissioner of Labour-I, Hyderabad. However, the petitioner/applicant is restrained from withdrawing the remaining 50% of the decretal amount lying to the credit of the subject E.C. before the Commissioner for Employees' Compensation and Deputy Commissioner of Labour-I, Hyderabad, until further orders. The Commissioner for Employees' Compensation and Deputy Commissioner of Labour-I, Hyderabad, is directed to deposit the remaining 50% of the decretal amount and costs in Fixed Deposit in any nationalized bank initially for a period of two (02) years. In the event of expiry of the said period, the Commissioner for Employees' Compensation and Deputy Commissioner of Labour-I, Hyderabad, is directed to renew the said Fixed Deposit from time to time.

This petition is ordered accordingly.

//TRUE COPY//

**Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Commissioner for Employees' Compensation and Deputy Commissioner of Labour-I T. Anjaiah Karmika Samkshema Bhavanam, RTC X Roads, Hyderabad
2. One CC to Sri V Sambasiva Rao Advocate [OPUC]
3. One CC to Sri C Mohan Prakash Advocate [OPUC]
4. One spare copy

HIGH COURT

DR.SAJ

DATED:03/01/2020

ORDER

**IA No. 3 OF 2019
IN
IA No. 2 OF 2019
IN
CMA NO: 1066 OF 2019**



DIRECTION

A handwritten signature in black ink, consisting of a stylized 'N' shape followed by a long horizontal stroke.