

[2698]

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND NINETEEN

:PRESENT:
THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD
IA No. 2 OF 2019
IN
MACMAMP.NO:5350 of 2016
IN
MACMA NO: 1561 OF 2019

MACMAMP.NO:5350 of 2016

Between:

National Insurance Company Limited, rep. by its Divisional Manager, Twin Cities
Market Complex, MJ Road, Hyderabad-500 001

...Petitioner/Appellant/Respondent No.2
(Appellant in MACMA 1561 OF 2019
on the file of High Court)

AND

1. Smt. D. Anitha D/o late D. Suresh, R/o Mannapur Village, Zaheerabad Mandal, Medak District, presently R/o H.No. 5-1-26, Mohan Nagar, Kothapet, Nagole, RR District.
2. D.Bhavani D/o late D.Suresh, aged 19 years,
(Respondent No.2 declared as major and discharged from their guardianship vide C.O. dated 12.12.19 in IA No.1 of 2019)
3. D.Venkatesham S/o late D. Suresh, aged 9 years,
Respondent No.3 is minor, rep. by mother and natural guardian Smt.D.Anitha(R-1))
4. D.Kistanna S/o Sangappa, R/o Mannapur Village, Zaheerabad Mandal, Medak District, presently R/o H.No. 5-1-26, Mohan Nagar, Kothapet, Nagole, RR District.
5. Smt. D. Chandramma W/o Kistanna, R/o Mannapur Village, Zaheerabad Mandal, Medak District, presently R/o H.No. 5-1-26, Mohan Nagar, Kothapet, Nagole, RR District.

Respondents

6. Abdul Khadeer S/o Sh. Abdul Rasheed, R/o H.No. 10-5-93, Ayya Jungle Matki Road, Aland District, Gulbarga, Karnataka State.

...Respondents/Respondents
(Respondents in-do-)

Petition under Section 151 of C.P.C. praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to grant stay of all further proceedings in orders dated 27-11-2015 passed in MVOP. No. 254 of 2014 on the file of XIII Additional District and Sessions Judge, Ranga Reddy District at L.B. Nagar, pending disposal of MACMA No.1561 of 2019, on the file of the High Court.

IA No. 2 OF 2019

Between:

1. Smt. D. Anitha D/o late D. Suresh, R/o Mannapur Village, Zaheerabad Mandal, Medak District, presently R/o H.No. 5-1-26, Mohan Nagar, Kothapet, Nagole, RR District.
2. D.Bhavani D/o late D.Suresh, aged 19 years,
3. D.Venkatesham S/o late D. Suresh, aged 9 years,
Respondent No.3 is minor, rep. by mother and natural guardian Smt.D.Anitha(R-1))
4. D.Kistanna S/o Sangappa, R/o Mannapur Village, Zaheerabad Mandal, Medak District, presently R/o H.No. 5-1-26, Mohan Nagar, Kothapet, Nagole, RR District.

5. Smt. D. Chandramma W/o Kistanna, R/o Mannapur Village, Zaheerabad Mandal, Medak District, presently R/o H.No. 5-1-26, Mohan Nagar, Kothapet, Nagole, RR District.

...Petitioner/Respondents
(Respondents No.1 to 5 in MACMA 1561 OF 2019
on the file of High Court)

AND

1. National Insurance Company Limited, rep. by its Divisional Manager, Twin Cities Market Complex, MJ Road, Hyderabad-500 001
2. Abdul Khadeer S/o Sh. Abdul Rasheed, R/o H.No. 10-5-93, Ayya Jungle Matki Road, Aland District, Gulbarga, Karnataka State.
(Respondent No.2 is not necessary)

...Respondent/Respondent
(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 stay orders passed in IA No. 2 of 2019 in MACMA No. 1561 of 2019 dated 17-11-2016, pending disposal of MACMA No. 1561 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 17.11.2016 made in MACMAMP No.5350 of 2016 and upon hearing the arguments of Sri Nisaruddin Ahmed Jeddy Advocate for the petitioner in MACMAMP No.5350 of 2016 and Respondent No.1 in IA No.1 of 2016 and of Sri V.Atchuta Ram Advocate for the Respondents No.1 to 5 in MACMAMP No.5350 of 2016 and petitioners in IA No.1 of 2019, the Court made the following

ORDER

The Major claimants are permitted to withdraw the deposited amount as per their share without furnishing any security and accordingly, the vacate stay petition is dismissed and stay made absolute.

Sd/- CH. VENKATESHWAR
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The XIII Additional District and Sessions Judge, Ranga Reddy District, L.B. Nagar.
2. One CC to Sri Nisaruddin Ahmed Jeddy, Advocate (OPUC)
3. One CC to Sri V.Atchuta Ram, Advocate (OPUC)
4. One spare copy

Note: "In the order in IA No.2 of 2019 in MACMAMP No.5350 of 2016 in MACMA No.1561 of 2019 dt.12.12.2019 it is typed as "major claimant is permitted" and "as per her share". The same has been corrected as "The Major Claimants are permitted" and "as per their share", as per the orders of the Hon'ble Court in IA No.1 of 2021 in MACMA No.1561 of 2019 dated 19.04.2021. Substituted this amended order in place of previous order which is already dispatched on 24.12.2019.

Sd/- K.SAILESHI
ASSISTANT REGISTRAR

HIGH COURT

TAJ

DATED: 12/12/2019
19/04/2021



AMENDED ORDER

IA No. 2 OF 2019
IN
MACMAMP.NO:5350 of 2016
IN
MACMA NO: 1561 OF 2019

DIRECTION