

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE TWELFTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE DR JUSTICE K MANMADHA RAO

IA No. 1 OF 2024

IN

MACMA NO: 168 OF 2024 ✓



Between:

The Deputy Manager(CLAIMS), Bajaj Allianz General Insurance Co. Ltd., 4 th floor.
North East Plaza, Opp. RTC Office, Beside BMW Show room, Yerramanzil X roads,
Hyderabad-82.

...Petitioner/Appellant
(Petitioner in MACMA 168 OF 2024
on the file of High Court)

AND

1. K.Janaki Laxmi, W/o K.Nagaraju, Hindu, Housewife, aged 59 years, r/o H.No.5-1-3-S5,III floor, Scanda Infra Projects, Panchalingala (V) Kurnool Mandal and District.
2. K.V. Kavitha, W/o Late K. Bharath Kumar, Hindu, House wife, aged 32 years, r/o H.No.5-1-3-S5,III floor, Scanda Infra Projects,Panchalingala (V) Kurnool Mandal and District.
3. K. Gouri Sanjanna , D/o Late K. Bharath Kumar, Hindu, aged 16 years. Respondent No. 3 is minor, rep by her natural Guardian mother K.V.Kavitha, R/o H.NO.5-1-3-S5, III floor, Scanda Infra Projects,Panchalingala (V) Kurnool Mandal and District.
4. Ramesh Sakharam Ade, S/o Sakharam Ade, Hindu, Major, r/oD.No. 3/10,Baladi(v), Vidhul Post, Umerkhed Taluk, Yavatmal District, Maharashtra State.
5. Shivaji Dhatta Rathod, S/o Datta Rathod, Hindu, Major, r/o 2/4,Baladi (v) Vidhul post, Umerkhed Taluq, Yavatmal District, Maharashtra State. Driver of tractor bearing No.MH 29 BC 9671.
6. M.Bandenna, S/o M. Savaranna, Hindu, major, H.No.3-57, Waddewata, Kothakota, Wanaparthy District,Telengana-509381. Owner of car bearing No.TS 06 EC 6161.
7. .The Manager(Legal), M/s Cholamandalam MS General Insurance Co.Ltd., 1-2-73-2, 3 rd floor, 302, S.R. Arcade, above Bank of Baroda, Parklane,Secunderabad-500003.
8. S.Yerukali Pavan Kalyan, S/o Y.Srirramulu, Hindu, Major, r/o H.No. 1-3-79/11, Sunkulamma mettu, Gadwal Town, Driver of car bearing No.TS 06 EC 6161.

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

Counsel for the Petitioner : MS.T V SRI DEVI

Counsel for the Respondent :---

Petition under Order 41 Rule 5 of C.P.C., R/w. 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 Judgment and Decree dt 23.11.2023 in M.V.O.P.No. 182 of 2020 before the Chairman, Motor Accidents Claims Tribunal-

Cum-VII Additional District Judge, Kurnool, Pending disposal of MACMA No. 168 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER

“Heard Ms.T.V.Sridevi, learned counsel for the petitioner.

On hearing, learned counsel submits that the Tribunal has awarded Rs.15,81,000/- towards compensation to the respondents/ claimants along with interest and directed the respondents No.2 and 5 therein to deposit the said amount with proportionate costs. In view of the same, the petitioner herein, who is respondent No.2 therein has to deposit half of the total awarded amount i.e., Rs.7,90,500/-. Now, learned counsel for the petitioner requests this Court the interim stay may be granted by ordering 50% of the said amount.

Considering the submissions of learned counsel for the petitioner, there shall be interim stay of judgment and decree passed in MVOP No.182 of 2020, dated 23.11.2023 on the file of Chairman, Motor Accident Claims Tribunal-cum-VII Additional District Judge, Kurnool, subject to condition that the appellant deposits 50% of its share i.e., Rs.3,95,250/- (Rs.7,90,500/2) the awarded amount by the Tribunal along with proportionate costs and interest to the credit of the above O.P. within a period of eight (08) weeks from today,”

Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. The Chairman, Motor Accident Claims Tribunal-cum-VII Additional District Judge, Kurnool
2. K.Janaki Laxmi, W/o K.Nagaraju, Hindu, Housewife, aged 59 years, r/o H.No.5-1-3-S5,III floor, Scanda Infra Projects, Panchalingala (V) Kurnool Mandal and District.
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10. One CC to MS. T V SRI DEVI Advocate [OPUC]
11. One spare copy

HIGH COURT

DR.KMR,J

DATED:12/03/2024

POST THE MATTER ON 10.05.2024.

ORDER

**IA No. 1 OF 2024
IN
MACMA NO: 168 OF 2024**

INTERIM STAY

