



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE THIRD DAY OF JANUARY  
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

IA No. 2 OF 2022

IN

I.A.1 OF 2022

IN

MACMA NO: 313 OF 2022

Between:

1. Mala Lakshmi Devi, W/o Rama Chandra, Aged about 30 years, Occ: Housewife.
2. Mala Jnanesh, S/o Rama Chandra, aged about 11 years, Occ: Student,
3. Mala Rajesh, S/o Rama Chandra, aged about 9 years, Occ: Student.

(Petitioner No.1 mother and natural guardian of Petitioner 2 and 3 of minors rep by its mother)

(All are R/o. Mruthanjaya Kunta, Kadapa town YSR District.)

.....Petitioners/Respondents

AND

1. The APSRTC Its Regional Manager, Regional Office, near RTC Bus Stand, Kadapa City and District.

Respondent/Appellant

2. Mohammed Peer, S/o Sabjan Sab, aged About 54 years, Occ: APSRTC Driver, R/o RTC Quarters Of Hindupur Town, Sri Satya Sai District.
3. Mala Venkatamma, W/o late Anjanapp, aged about 67 years, Occ: Housewife, R/o Bapuji Nagar, Somandepalli Village & Mandal, Anantapur District

(Respondents 2 and 3 not necessary this petition)

...Respondents 2 & 3/ Respondents 2 & 3

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 stay granted in I.A.No 1 of 2022 in MACMA .No. 313 of 2022 dated 13.08.2022, Pending disposal of MACMA No. 313 of 2022, on the file of the High Court.

**IA No. 1 OF 2022**

**Between:**

The APSRTC its Regional Manager, Regional Office, near RTC Bus Stand, Kadapa City and District.

**...Appellant/Respondent No.2**

**AND**

1. Mala Lakshmi Devi, W/o Rama Chandra, Aged about 30 years, Hindu, Housewife. Bapuji nagar, Somandepalli Village and Mandal, Anantapur District. Now residing at Mruthanjaya Kunta of Kadapa City and District.
2. Mala Jnanesh, S/o Rama Chandra, aged about 7 years, Hindu, Student, Minor. Bapuji nagar, Somandepalli Village and Mandal, Anantapur District. Now residing at Mruthanjaya Kunta of Kadapa City and District
3. Mala Rajesh, S/o Rama Chandra, aged about 5 years, Hindu, Student. Bapuji nagar, Somandepalli Village and Mandal, Anantapur District. Now residing at Mruthanjaya Kunta of Kadapa City and District

(Respondents Nos.2 and 3 are being minors rep.by their natural guardian and mother i.e., first respondent)

**Respondents/Petitioners 1 to 3**

4. Mohammed Peer, S/o Saheb Sab, aged About 52 years, Hindu, Driver of APSRTC, Bus bearing No.AP02Z0297, R/o RTC Quarters of Hindupur Town and Mandal, Anantapur District.
5. Mala Venkatamma, W/o late Anjappa, aged about 65 years, Hindu, Housewife, R/o Bapuji Nagar, Somandepalli Village and Mandal, Anantapur District.

(4th and 5th Respondents are herein driver of APSRTC and Mother of deceased not necessary parties)

**...Respondents/Respondents No.1 & 3**

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 execution of decree in pursuant to MVOP No. 232 of 2018 dated. 10.05.2022 On the file of the Motor Accidents Claims Tribunal cum Judge Family Court-cum-VI Addl. District Judge, Kadapa , Pending disposal of MACMA No. 313 of 2022, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 30.08.2022 made herein and upon hearing the arguments of Sri Dhanunjaya Reddy K , Counsel for the Petitioners Nos. 1 to 3 (Respondents in IA No. 01 of 2022), Sri K Viswanatham , Standing Counsel for the Respondent No. 1 (Petitioner in I.A.No. 1 of 2022 ) , the Court made the following



**ORDER**

"This petition is filed by the respondents No.1 to 3 in the appeal who are the claimants before the Tribunal to vacate the interim stay granted in I.A.No.1 of 2022 and also to permit the first petitioner/claimant to withdraw her share of compensation awarded by the Tribunal (the 2<sup>nd</sup> and 3<sup>rd</sup> respondents being minors).

Learned counsel for the first respondent herein/ appellant reported no counter.

Since hearing and disposal of the appeal would take further time, if the interim stay granted is vacated it may frustrate the purpose of filing the appeal. As such, without vacating the interim order of stay, the first petitioner can be permitted to withdraw the amount deposited by the first respondent proportionate to her share as per the direction given by the Tribunal for withdrawal of the amount and to the extent of her share, without furnishing security. It is made clear that amount of share allotted to the minor claimants shall be kept intact as directed in the award. Accordingly, the petition is disposed of."

Sd/- K. SRINIVASA RAJU  
ASSISTANT REGISTRAR



//TRUE COPY//

SECTION OFFICER

To,

1. Motor Accidents Claims Tribunal cum Judge Family Court-cum-VI Addl. District Judge, Kadapa
2. One CC to Sri K Viswanatham , Standing Counsel [OPUC]
3. One CC to Sri Dhanunjaya Reddy K , Counsel [OPUC]
4. One spare copy

**HIGH COURT**

**BSBJ**

**DATED:03/01/2023**

**POST THE APPEAL IN THE REGULAR COURSE FOR 'FINAL HEARING'.**

**ORDER**

**IA No. 2 OF 2022**

**IN**

**I.A.1 OF 2022**

**IN**

**MACMA NO: 313 OF 2022**

**DIRECTION**

