



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
FRIDAY, THE FIRST DAY OF SEPTEMBER,  
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU  
AND  
THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO  
IA No. 3 OF 2023  
IN  
AS NO: 237 OF 2022

**Between:**

Madhuri Trading Company, Represented by its Proprietrix, Smt Nune Subba Lakshmi,  
W/o Srinivasulu, Business, aged about 47 years, Resident of D.No. 9-13-2 and 3,  
Butchanna Koneru, Vizianagaram.

...Petitioner/Plaintiff/Respondent  
(Petitioner in AS 237 OF 2022  
on the file of High Court)

**AND**

1. Bajaj Allianz General Insurance Company Limited, Represented by its Branch Manager, D.No. 6-1-57, Palakonda Road, Next to K.V.B,Bank, Chowkward, Krishna Park Junction, Srikakulam-532001.
2. Bajaj Allianz General Insurance Company Limited,, Represented by its Area Manager, Peejay Plaza, 3<sup>rd</sup> Floor, D.No. 10-1-44/9, VIP Road, CBM Compound, Visakhapatnam.
3. Bajaj Allianz General Insurance Company Limited, Represented by its Corporate Manager, GE Plaza, Airport Road, Yerwada, Pune-411006.

...Appellants/Defendants 1 to 3

4. ING Vysya Bank Limited,, Now Kotak Mahindra Bank, Represented by its Branch Manager, Perla Vari Junction, Hazishariff Street, Vizianagaram

...Respondent/Respondent 4  
(Respondents in-do-)

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to withdraw the amount of Rs.43,04,000/- deposited by the appellants in compliance of the order dated 01-05-2023 in AS.No.237 of 2022 before this Honourable Court, pending disposal of AS No.237 of 2022, on the file of the High Court.

**IA No. 1 OF 2023**

**Between:**

1. Bajaj Allianz General Insurance Company Limited, Represented by its Branch Manager, D.No. 6-1-57, Palakonda Road, Next to K.V.B,Bank, Chowkward, Krishna Park Junction, Srikakulam-532001.
2. Bajaj Allianz General Insurance Company Limited,, Represented by its Area Manager, Peejay Plaza, 3<sup>rd</sup> Floor, D.No. 10-1-44/9, VIP Road, CBM Compound, Visakhapatnam.

3. Bajaj Allianz General Insurance Company Limited, Represented by its Corporate Manager, GE Plaza, Airport Road, Yerwada, Pune-411006.

**...Petitioners/Petitioners**

**AND**

1. Madhuri Trading Company, Represented by its Proprietrix, Smt Nune Subba Lakshmi, W/o Srinivasulu, Business, aged about 47 years, Resident of D.No. 9-13-2 and 3, Butchanna Koneru, Vizianagaram.
2. ING Vysya Bank Limited, Now Kotak Mahindra Bank, Represented by its Branch Manager, Perla Vari Junction, Hazishariff Street, Vizianagaram

**...Respondents/Respondents**

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 extend the time stipulated in interim order dt 07.02.2023 in I.A.No. 2 of 2022 in A.S.No. 237 of 2022 for 4 more weeks for complying with the condition of depositing 50% of the amount awarded in O.S.No. 77 of 2015 in the court of the IV Additional District & Sessions Judge, Vizianagaram along with interest and Lustrs in the interest of justice and pass Pending disposal of AS No. 237 of 2022, 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 01.05.2023 made herein and upon hearing the arguments of M/s A.V.S.Laxmi, Advocate for the Petitioner in IA.No.3 of 2023 and Respondent in IA.No.1 of 2023 and M/s T.V.Sri Devi, Advocate for the Respondent Nos.1 to 3 in IA.No.3 of 2023 and Petitioners in IA.No.1 of 2023, the Court made the following;

**ORDER:**

**"Heard learned counsel for the petitioner and learned counsel for the respondents.**

The application is filed by the plaintiff to withdraw the amount of Rs.43.04 lakhs deposited into the credit of the suit pursuant to the order passed by this Court on 07.02.2023 wherein a stay was granted on the condition that 50% of amount should be deposited along with accrued interest.

Although the application is strongly opposed by the learned counsel for the respondents, the fact remains that the petitioner/plaintiff has succeeded on merits in the trial Court.

This Court finds no reason to deny the fruits of the decree to the plaintiff at this stage.



Therefore, I.A.No.3 of 2023 is allowed. The petitioner in I.A.No.3 of 2023 (plaintiff) is permitted to withdraw the amount subject to furnishing the usual undertakings to the trial Court."

//TRUE COPY//

Sd/- U. SRI DEVI  
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The IV Additional District & Sessions Judge, Vizianagaram
2. The Branch Manager, Bajaj Allianz General Insurance Company Limited, D.No. 6-1-57, Palakonda Road, Next to K.V.B, Bank, Chowkward, Krishna Park Junction, Srikakulam-532001.
3. The Area Manager, Bajaj Allianz General Insurance Company Limited, Peejay Plaza, 3<sup>rd</sup> Floor, D.No. 10-1-44/9, VIP Road, CBM Compound, Visakhapatnam.
4. The Corporate Manager, Bajaj Allianz General Insurance Company Limited, GE Plaza, Airport Road, Yerwada, Pune-411006.
5. The Branch Manager, ING Vysya Bank Limited, Now Kotak Mahindra Bank, Perla Vari Junction, Hazishariff Street, Vizianagaram (Addressee Nos.2 to 5 By RPAD)
6. One CC to M/s T.V.Sri Devi, Advocate [OPUC]
7. One CC to M/s A.V.S.Laxmi, Advocate [OPUC]
8. Two spare copies

MM





**HIGH COURT**

**DVSSJ  
&  
VGKRJ**

**DATED:01/09/2023**

**NOTE: LIST IN USUAL COURSE**

**ORDER**

**IA No. 3 OF 2023  
IN  
AS NO: 237 OF 2022**

**DIRECTION**

