

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
TUESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY
:PRESENT:
THE HON'BLE SRI JUSTICE T VINOD KUMAR**

**IA. No. 1 of 2020
IN
IA No. 1 OF 2019
IN
MACMA NO: 3557 OF 2019**

IA. No. 1 of 2019

Between:

Cholamandalam M.S. General Insurance Co. Ltd., Represented by its Branch Manager, Branch Office at 1-2-73/2 @ 1-2-63 to 64, No. 302, 3rd Floor, SR Arcade, Park Lane, Secunderabad - 500 003

...Petitioner
(Appellant in MACMA 3557 OF 2019
on the file of High Court)

AND

1. Saridewar Shivaram, S/o Kamaiah, Occ- Nil, R/o Laxmapur Village, Presently R/o H.No.6-24-31, Dubba, Nizamabad
2. Saridewar Mamatha Rani, D/o Shivaram, Occ- Student R/o Laxmapur Village, Presently R/o H.No.6-24-31, Dubba, Nizamabad
3. Saridewar Mahesh Kumar, S/o. Shivaram, Age 15 years, Occ- Student
4. Saridewar Mahipal, S/o Shivaram, Age 14 Years, Occ- Student
(Respondent Nos.3 and 4 are minors and are being Represented by their Father and Natural Guardian Saridewar Shivaram i.e. Respondent No.1 herein) R/o Laxmapur Village, Presently R/o H.No.6-24-31, Dubba, Nizamabad
5. Jinna Anjaiah, S/o. Shivaiah, Occ- Business -cum-Owner of Auto bearing No. AP 25 X 2002, R/o H.No.1-145/53, Pedda Kodapgal Village, Bichkunda Mandal, Nizamabad District
6. Sayanna Anil Gaddam, S/o Narayana, Occ- Agriculture-cum-Owner of Tractor No. AP 25 R 6724, R/o H.No.2-32, Bichkunda Village and Mandal, Nizamabad District
(Respondent Nos. 5 & 6 are not necessary parties to 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 the operation of Order and Decree dated 19/07/2019 passed in M.V.O.P.No. 290 OF 2014 on the file of the Court of the Chairman, Motor Accidents Claims Tribunal - Cum - VIII Additional District Judge, at Nizamabad, pending disposal of MACMA No. 3557 of 2019, on the file of the High Court.

IA. No. 1 of 2020

Between:

1. Saridewar Shivaram, S/o Kamaiah, Occ- Nil, R/o Laxmapur Village, Presently R/o H.No.6-24-31, Dubba, Nizamabad
2. Saridewar Mamatha Rani, D/o Shivaram, Occ- Student R/o Laxmapur Village, Presently R/o H.No.6-24-31, Dubba, Nizamabad
3. Saridewar Mahesh Kumar, S/o. Shivaram, Age 16 years, Occ- Student

4. Saridewar Mahipal, S/o Shivaram, Age 15 years, Occ- Student
(Respondent Nos.3 And 4 are minors and are being Represented by their Father and Natural Guardian Saridewar Shivaram i.e. Respondent No.1 herein) R/o Laxmapur Village, Presently R/o H.No.6-24-31, Dubba, Nizamabad

Petitioners/Respondent No. 1 to 4 in I.A No. 1 of 2019
(Respondents No 1 to 4 in MACMA. No. 3557 of 2019)

AND

1. Cholamandalam M.S. General Insurance Co. Ltd., Represented by its Branch Manager, Branch Office at 1-2-73/2 at 1-2-63 to 64, No. 302, 3rd Floor, SR Arcade, Park Lane, Secunderabad - 500 003

Respondent/Petitioner No. 1 in I.A. No. 1 of 2019
(Appellant in MACMA. No. 3557 of 2019)

2. Jinna Anjaiah, S/o. Shivaiah, Occ- Business -cum-Owner of Auto bearing No. AP 25 X 2002, R/o H.No.1-145/53, Pedda Kodapgal Village, Bichkunda Mandal, Nizamabad District
3. Sayanna Anil Gaddam, S/o Narayana, Occ- Agriculture-cum-Owner of Tractor No. AP 25 R 6724, R/o H.No.2-32, Bichkunda Village and Mandal, Nizamabad District

Respondents/Respondents No. 5 & 6 in I.A. No. 1 of 2019
(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 permit the petitioner to withdraw the amount deposited in M.V.O.P. No. 290 of 2014 on the file of the Court of the Chairman, Motor Accident Claims Tribunal-cum-VIII Additional District Judge at Nizamabad, by the vacating the interim stay granted by this Hon'ble Court on 30.12.2019 in I.A. No. 1 of 2019 in MACMA. No. 3557 of 2019.

The petition coming on for hearing upon perusing the petition and affidavit and the counter affidavit filed in support thereof and order of the High Court dated 30.12.2019 made in I.A. No. 1 of 2019 in MACMA. No. 3557 of 2019 and upon hearing the arguments of Sri A. Ramakrishna Reddy, Advocate for the petitioner in I.A. No. 1 of 2019 and respondent No. 1 in I.A. No. 1 of 2020 and Sri P. Radhiva Reddy, Advocate for the petitioners in I.A. No. 1 of 2020 and respondent No. 1 to 4 in I.A. No. 1 of 2019, the Court made the following

ORDER:

"This application is filed to permit the petitioners-claimants/respondents in the present appeal, to withdraw the amount deposited by the appellant-insurance company, to the credit of MVOP No.290 of 2014 on the file of the MACT-cum-VII Additional District Judge, Nizamabad, by vacating the interim order granted by this Court in I.A.No.1 of 2019 in M.A.C.M.A.No.3557 of 2019 dated 30.12.2019.

Heard learned counsel for the petitioners/respondents - claimants and the learned counsel for the appellant-Insurance Company.

It is seen from the record that petitioners - claimant Nos.3 and 4 are minors and hence, they cannot be permitted to withdraw the amount deposited to the credit of the MVOP.

Having regard to the reasons stated in the accompanying affidavit, only petitioner Nos.1 and 2 are permitted to withdraw their proportionate share of the amount deposited together with costs and interest, to the credit of MVOP No.290 of 2014, pursuant to the interim order passed in I.A.No.1 of 2019 dated 30.12.2019, without furnishing any security. However, it is made clear that such

withdrawal granted is without prejudice to the rights and contentions of both the parties in the appeal.

The application is ordered accordingly."

//TRUE COPY//

✓ SD/- T.KRISHNA KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chairman, Motor Accidents Claims Tribunal - Cum - VIII Additional District Judge, at Nizamabad
 2. One CC to Sri A Ramakrishna Reddy Advocate [OPUC]
 3. One CC to Sri P. Radhiva Reddy, Advocate (OPUC)
 4. One spare copy
- ✓

HIGH COURT

TVKJ

DATED: 10.11.2020

ORDER

IA. NO. 1 OF 2020

IN

IA No. 1 of 2019

In

MACMA.No.3557 of 2019



DIRECTION