APHC010623052009

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3396]**
(Special Original Jurisdiction)

FRIDAY, THE 6th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 3467/2009

Between:

1. THE NEW INDIA ASSURANCE COMPANY LTD, REP BY ITS DIVISIONAL MANAGER THE DIVISIONAL MANAGER, NEW INDIA ASSURANCE COMPANY LTD., BRACH OFFICE: NEHRU TOWN, CUDDAPAH TOWN & DISTRICT.

...APPELLANT

AND

1. NEENAVATH RAJA NAIK 3 ORS, S/O.NAGA NAIK @ ANJ NAIK, HINDU COOLI R/O.HOSPITAL AREA, AKEPADU VILLAGE & POST, RAJAMPET MANDAL,
2. NEENAVATH RUKMINI, D/O.RAJA NAIK @ RAJUNAIK, HINDU, MINOR R/O.HOSPITAL AREA, AKEPADU VILLAGE & POST, RAJAMPET MANDAL,
3. NEENAVATH LALAMMA, D/O.RAJA NAIK @ RAJUNAIK, HINDU, MINOR RR2 AND 3 ARE MINORS REP BY THEIR NATURAL GUARDIAN FATHER R1 R/O.HOSPITAL AREA, AKEPADU VILLAGE AND POST, RAJAMPET MANDAL, RESPONDENTS NO. 1 TO 3 ARE RESTORED AS PER C.O.DT 30/10/2026 IN I.A.NO.1/2026
4. K SUBBANARASIAH, S/O.NARASIMHULU OWNER OF TRACTOR AND TRAILER NOS.AP 04 T 8409 AND 8410 R/O.NARAYANA NELLORE, PENUGULUR MANDAL, CUDDAPAH DISTRICT.

...RESPONDENT(S):

Appeal filed under Section 173 of MV Act before the High Court allow this appeal setting aside the order and decree

IA NO: 1 OF 2006(MACMAMP 394 OF 2006

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 condone the delay of 3 days in filing the above appeal against the order and decree in OP No.444/2002 dt.9.8.2005 passed on the file of MACT cum III Addl.District Judge, Fast Track Court, Cuddapah

IA NO: 2 OF 2006(MACMAMP 475 OF 2006

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

IA NO: 3 OF 2006(MACMAMP 476 OF 2006

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 of all further proceedings of the decree and judgment in O.P.No.444 of 2002 dated 9.8.2005 on the file of the Motor Accidents Claims Tribunal-cum-III Additional District Judge, FTC., Cuddapah.

IA NO: 1 OF 2026

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 may be pleased to restore Respondents 1, 2 and 3 by setting aside the dismissal for default order dated 04.08.2009 in M.A.C.M.A No. 3467/2009 and pass

Counsel for the Appellant:

1. PRABHAKARA RAO RANGA

Counsel for the Respondent(S):

1.

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 3467/2009

JUDGMENT:-

Heard Sri Prabhakara Rao Ranga, learned counsel for the appellant. As can be seen from the record, the appeal is dismissed for default against respondent Nos.1 to 3, who are the claimants before the learned Tribunal. This being an old matter, this Court directed the Registry to serve notices to respondent Nos.1 to 3 through the concerned District Court.

2. The report is received from the concerned Court would show that the addresses mentioned in the appeal are not correct and they could not serve the notices on the respondent Nos.1 to 3. In absence of the respondent Nos.1 to 3 and since an order has been passed dismissing the appeal for default against them, the appellant is not permitted to proceed against them.

3. Coming to the case of respondent No.4, who is the owner of the offending vehicle, the notice returned “unserved” as person died and no steps have been taken by the appellant so far to bring the legal representatives of the deceased respondent No.4.

4. This appeal is preferred by the Insurance Company challenging the award dated 09.08.2005 in M.V.O.P.No.444 of 2002 on the file of the learned III Additional District Judge, Cuddapah, on the point of fastening liability against the Insurance Company, despite the violation of conditions of the policy made by the owner.

5. In the light of the aforementioned premises, the appellant cannot proceed with the appeal against respondent Nos.1 to 4. In that view of the matter, at the request of the learned counsel for the appellant, the M.A.C.M.A. is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed. Interim orders, if any, deemed to have been vacated.

Dr. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 06.11.2026.
KSK/UPS

28

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

M.A.C.M.A. NO: 3467 of 2009

Dt.06.11.2026

KSK/UPS