

IN THE HIGH COURT OF ANDHRA PRADESH

WEDNESDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND NINETEEN

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE SRI C.PRAVEEN KUMAR

CIVIL REVISION PETITION NO: 7680 OF 2018

Petition under Article 227 of the Constitution of India, aggrieved by the order dated 13.08.2018 in I.A.No.790 of 2018 in M.V.O.P.No.228 of 2018 on the file of the Motor Accidents Claims Tribunal-cum-Principal District Judge, Krishna, Machilipatnam.

Between:

Pulugujju Ram Babu, S/o. Naga Bushanam,

**...Petitioner/Petitioner/2nd Respondent
AND**

1. Lanka Veer Raghavamma, W/o. Venkateswara Rao, Hindu, aged about 45 years, R/o. Etimoga, Nagayalanka Mandal, Krishna District.
2. Viswanadhapalli Venkateswara Rao, S/o. Nagendram, Hindu, aged about 50 years, R/o. Gullalamoda, Nagayalanka Mandal, Krishna District.
3. Tirumalasetty Basavaiah, S/o. Anjaiah, Hindu, aged about 45 years R/o. Etimoga, Nagayalanka Mandal, Krishna District.
4. Sykam Venkata Lakshmi, W/o. Bikshalu, Hindu, aged about 35 years, R/o. Etimoga, Nagayalanka Mandal, Krishna District.
5. Viswanadhapalli Sambraajyam, W/o. Rama Rao, Hindu, aged about 45 years, R/o. Etimoga, Nagayalanka Mandal, Krishna District.
6. Chirala Mahesh, S/o. Srinu, Hindu, Aged about 21 years, R/o. Nagayalanka Village, Nagayalanka Mandal, Krishna District.
7. Tata AIG Insurance Company Limited, Vijayawada, Krishna District.
8. The State Station House Officer, Challapalli Police Station, Represented by Public Prosecutor, Machilipatnam

...Respondents/Respondents/Respondents

IA NO: 1 OF 2018

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to suspend the order dated 13.08.2018 passed in I.A.No.790 of 2018 in M.V.O.P.No.228 of 2018 on the file of Motor Accidents Claims Tribunal-cum-Principal District Judge, Krishna at Machilipatnam by directing the Learned Principal District Judge-cum-Motor Accidents Claims Tribunal, Krishna, Machilipatnam without insisting for Bank Guarantee, pending disposal of the above CRP.

For the Petitioner: SRI. B.S.N. NAIDU, Advocate

For the Respondent: None Appeared

The Court made the following: ORDER

THE HON'BLE THE ACTING CHIEF JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.7680 of 2018

ORDER:

1. The present revision petition came to be filed by the petitioner assailing the order dated 13.8.2018 in I.A.No.790 of 2018 in MVOP No.228 of 2018, wherein the learned Motor Accidents Claims Tribunal-cum-Principal District Judge, Krishna, Machilipatnam, while directing release of the vehicle, imposed certain conditions.
2. The learned Counsel for the petitioner submits that the petitioner is the owner of the vehicle in question, which was purchased about three and half years back. He submits that the condition imposed by the Court below in directing the petitioner to furnish bank guarantee of Rs.4,50,000/- would virtually amount to denial of relief to the petitioner, since it is very difficult for him to secure bank guarantee for the said amount.
3. It is not in dispute that the petitioner is the owner of the vehicle and the vehicle in question is a goods carriage of the year 2015. He pleads that if the vehicle is exposed to sun and rain, there is every possibility of vehicle getting damaged.
4. Having regard to the above circumstances, the petitioner is directed to furnish bank guarantee of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) with one surety for the like sum, to the satisfaction of the Additional Judicial Magistrate of First Class, Avanigadda, instead of bank guarantee of Rs.4,50,000/-, which directed to be furnished by the Court below. It is made clear that on release of vehicle, the petitioner shall not alienate the vehicle in

question or create any third party rights thereon. All other conditions shall remain unaltered.

5. Accordingly, the Civil Revision Petition is disposed of modifying the order impugned to the extent indicated above. No costs. Consequently, miscellaneous petition pending, if any, shall stand closed.

//TRUE COPY//

Sd/- K.MURALI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Chairman, Motor Accidents Claims Tribunal-cum-Principal District Judge, Krishna, Machilipatnam.
2. One CC to SRI. B.S.N. NAIDU Advocate [OPUC]
3. Two CD Copies

Chp

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HIGH COURT

DATED:27/02/2019

2580

ORDER

CRP.No.7680 of 2018

DISPOSING THE CIVIL REVISION PETITION WITHOUT
COSTS

$\frac{4}{72}$ 5/3/2019.