

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SMT. JUSTICE P.SREE SUDHA

CIVIL REVISION PETITION No: 2541 of 2022

Petition Under Article 227 of Constitution of India against the Docket Order dated:27-09-2022 in E.P.No.276 of 2018 on the file of the Court of the II Additional District and Sessions Judge, Sangareddy.

Between:

M/s. United India General Insurance Co.Ltd, Rep. by its Branch Manager, Branch office, Main Road, Sangareddy.

...Petitioner/JDR-2/Respondent 2

AND

1. Smt.Methari Bala @ P.Bala @ Bala Konda Bala, W/o. Nagesh, Aged 36, Occ: IKP Office worker, R/o. Pulkal(V), now R/o. Pothireddypally (V), Sangareddy (M), Medak Dist.602. ...Respondent/DHR./Claimant

2. Dasari Balaiah, S/o.Pochaiah, aged 35 years, Occ: owner cum driver trolley B.no.:AP-23-U 8569 Faizabad(V), Kowdipally(M), Medak Dist.

...Respondent/JDR-1/Resp.1

IA NO: 1 OF 2022

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 all further proceedings in the E.P.No:276 of 2018 In MVOP.No. 439 of 2015 on the file of the II Additional District and Sessions Judge, at Sangareddy order dated 27-9-2022 pending disposal of the main Civil Revision Petition.

IA NO: 1 OF 2024

Petition under Section 148 of C.P.C. praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant extension of interim stay orders dated.30-12-2022 passed in IA No. 1 of 2022 in CRP No. 2541 of 2022 pending disposal of the main Revision.

Counsel for the Petitioner: M/s. K.S.N. MURTHY

Counsel for the Respondents: None Appeared

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE P.SREE SUDHA

CIVIL REVISION PETITION No.2541 of 2022

ORDER:

This petition is filed against the order dated 27.09.2022 passed in E.P.No.439 of 2015 in E.P.No.276 of 2018 in M.V.O.P.No.439 of 2015 on the file of II Additional District and Sessions Judge at Sangareddy.

2. Notice sent to respondent No.1 not yet returned and notice sent to respondent No.2 returned with an endorsement refused and therefore, there is no representation on behalf of the respondents.

3. Heard arguments of learned counsel for the Insurance Company.

4. It is submitted that initially O.P.No.184 of 2015 was filed before the trial Court for the same accident and the matter was settled before Lok Adalat for an amount of Rs.2,00,000/- and the said amount was deposited and later respondent No.1 filed O.P.No.439 of 2015 in which trial Court granted an amount of Rs.1,22,500/- with interest @ 7.5% per annum from the date of petition till the date of realization. Later they filed E.P.No.276 of 2018 and in docket order dated 27.09.20022 the trial Court ordered for issue of warrant of attachment against movable

property of petitioner/J.D.R.2 then they brought it to the notice of the Court and also filed an I.A.No.312 of 2018 for review of order of the trial Court in O.P.No.439 of 2015. On 26.11.2021, the trial Court observed that it is not clerical or arithmetical error to be reviewed and it is for the parties to approach the Appellate Court for setting aside the judgment.

5. Admittedly, two O.Ps are filed for the same accident and the previous O.P amount was deposited by Insurance Company and they cannot be burdened again to deposit amount in another O.P filed for the same accident and it is the mischief committed by the claimants though they settled before the Lok Adalath they proceeded with another O.P and got that order and it is to be curtailed. Therefore, this Court finds it reasonable to set aside the award in O.P.No.439 of 2015 dated 26.11.2021 and also finds it reasonable to set aside the order dated 27.09.2022 passed in E.P.No.439 of 2015 in E.P.No.276 of 2018.

6. In the result, civil revision petition is allowed by setting aside the order dated 27.09.2022 passed in E.P.No.439 of 2015 in E.P.No.276 of 2018 and also order

dated 26.11.2021 passed in M.V.O.P.No.439 of 2015 on the file of II Additional District and Sessions Judge at Sangareddy. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Sd/- A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional District and Sessions Judge, Sangareddy.
2. One CC to M/s. K.S.N. MURTHY, Advocate [OPUC]
3. Two CD Copies

Kam/DL.

CHR

HIGH COURT

DATED:30/09/2024

ORDER

CRP.No.2541 of 2022



ALLOWING THE CIVIL
REVISION PETITION

⑤ CRR
21/10/24