

**OFFICE OF THE PRINCIPAL DISTRICT JUDGE:: KURNOOL**

Dis.No. /Estt/2024

dated 02-02-2024

Letter ROC No.38/SO/2024, dated 25-01-2024 along with copy of Order, dated 09-01-2024 passed in M.A.C.M.A.No.783 of 2023 by the Hon'ble High Court of Andhra Pradesh, is herewith communicated for information.

**All the Additional District & Sessions Judges, Kurnool district** and other Judicial Officers working in Kurnool District are requested to download the above letter ROC No.38/SO/2024, dated 25-01-2024 along with copy of Order, dated 09-01-2024 passed in M.A.C.M.A.No.783 of 2023 by the Hon'ble High Court of Andhra Pradesh, from District Court website i.e., <https://kurnool.dcourts.gov.in> for information.

All the Judicial Officers are requested to submit the compliance report after downloading the above copy to this Court.

*Shivan*

PRINCIPAL DISTRICT JUDGE,  
KURNOOL.

To,

**All the Additional District & Sessions Judges in Kurnool District.**

**All the Judicial Officers in Kurnool District.**

The Secretary, District Legal Services Authority, Kurnool.

The Senior Superintendent (Accounts), Principal District Court, Kurnool.

The Stenographer Grade-I, Principal District Court, Kurnool.

The Civil Bench Clerk, Principal District Court, Kurnool.

The System Officer, District Court, Kurnool, with a direction to upload the same in the District Court's Official website.

Dr.Y.LAKSHMANA RAO  
REGISTRAR GENERAL



**AMARAVATI**  
(Off) : 0863 2372613  
(Telefax) : 0863 2372631

ROC No.38/SO/2024

Dated 15.01.2024

To

All the Principal District Judges in  
Andhra Pradesh.

Sir/Madam,

- Sub: High Court of Andhra Pradesh – Order dated 09.01.2024 passed in  
M.A.C.M.A. No. 783 of 2023 by the High Court of Andhra Pradesh  
– Forwarded – Reg.
- Ref: Order dated 09.01.2024 passed in M.A.C.M.A. No. 783 of 2023 by  
the High Court of Andhra Pradesh.

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1.2B  
Adverting to the subject and reference cited, as directed, I am to forward  
herewith copy of order dated 09.01.2024 passed in M.A.C.M.A. No. 783 of 2023 by  
the High Court of Andhra Pradesh, for causing communication of the same to all the  
Chairmen, Motor Accident Claims Tribunals functioning in your respective units and  
executing Courts, for strict compliance of the directions issued therein.

I also request you to cause communication of the same to the other Judicial  
Officers, for information.

Yours sincerely,

*J. Lakshmana Rao*  
25/1/2024  
**REGISTRAR GENERAL**

Encl: As stated.

File 860  
1/2/24

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IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
TUESDAY, THE NINTH DAY OF JANUARY,  
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

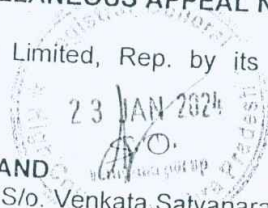
THE HONOURABLE SRI JUSTICE G.NARENDAR  
AND

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 783 OF 2023

Between:

The New India Assurance Company Limited, Rep. by its Divisional Manager,  
Rajamahendravaram



...Appellant/  
Respondent No.3

AND

1. Amruthavakkula Ramana Kumar, S/o. Venkata Satyanarayana, Hindu, Aged 56 years, R/o. C/o T. Rama Rao, D.No.4-13-6, Agraharam, Eluru, West Godavari District, Eluru DMC.
2. Amruthavakkula Hasitha, W/o. Nakka Mithun Kumar Vasudeva Sharma Hindu, Aged 26 years. House wife, R/o. C/oT. Rama Rao, D.No.4-13-6, Agraharam, Eluru, West Godavari District, Eluru DMC.
3. Amruthavakkula Sai Anusha, D/o. Ramana Kumar, Hindu, Aged 24 years. Unmarried, R/o. C/o T. Rama Rao, D.No.4-13-6, Agraharam, Eluru, West Godavari District, Eluru DMC.
4. Amruthavakkula Venkata Satyanarayana, S/o Venkata Narasimha Murthy, Hindu, Aged 93 years, R/o. C/o T. Rama Rao, D.No.4-13-6, Agraharam, Eluru, West Godavari District, Eluru DMC.

...Respondents/  
Claim Petitioners

5. N.S.N.Raju, S/o Venkateswara Rao, Hindu, aged 30 years, Driver of Tanker Lorry Bearing No.AP 02 TE 0927, R/o D.No.12-38, B.C.Colony, Gajuwaka, Visakhapatnam District, Visakhapatnam City Civil Court DMC.
6. T.Sundara Rao, S/o Rajanna, Hindu, aged 45 years. Owner of Tanker Lorry Bearing No. AP 02 TE 0927, R/o D.No.6-66-12, Sramika Nagar, Gajuwaka, Visakhapatnam District, Visakhapatnam, City Civil Court DMC. ...

...Respondents/  
Respondent Nos. 1 & 2

(Respondent No.5 is not necessary party)

Appeal filed under Section 173 of Motor Vehicle Act, 1988 against the Decree and Order dated 11.04.2023 passed in MVOP No. 270 of 2021 on the file of the Motor Accidents Claims Tribunal -Cum- VIII Additional District and Sessions Judge, East Godavari at Rajamahendravaram.

**IA NO: 3 OF 2023**

Petition under Order XLI Rule 5 (1) of C.P.C.,praying that in the circumstances stated in the memorandum of grounds filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings dated 11.04.2023 passed in MVOP No. 270 of 2021 on Motor Accidents Claims Tribunal -

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Cum- VIII Additional District and Sessions Judge, East Godavari at Rajamahendravaram including execution proceedings, Pending disposal of MACMA No. 783 of 2023, on the file of the High Court.

The appeal coming on for hearing, upon perusing the appeal and the memorandum of grounds filed in support thereof and the order of the High Court dated 27.12.2023 made in I.A.No.3 of 2023 and upon hearing the arguments of Ms A Jayanthi, Advocate for the Petitioner and of Sri P Gopala Krishna, Advocate for the Respondent Nos. 1 & 2, the Court made the following

**ORDER:**

“Heard Smt.A.Jayanthi, Learned Counsel for the Appellant and the Learned Counsel for the respondents.

The Counsel for the Appellant has placed before this Court a copy of the garnishee order attaching the running bank account of the appellantinsurer. We are shocked and surprised by the nature of the order. Such omnibus orders are certainly without sanction of Law and have the effect of freezing the entire transactions of the entity that too a public entity.

The Tribunal would be well advised to resort to such drastic measures, if no appeal has been filed within the stipulated period. Even, in such cases, the Tribunal should be very circumspect to resort to such extreme measures unless and until they are of the considered opinion that the delay in payment is *mala fide* and with intention of avoidance of satisfaction of the decree by the insurer/insurance company is deliberate and mere delay cannot become a tool in the hands of the executing Court to pass an order freezing the entire financial operations of the public entity.

It is not as if this is the sole claim that is surviving against the insurer. In any given case, there is a likelihood of hundreds of unsatisfied decrees and if every executing Court is going to resort to such highhanded actions, it would turn chaotic and end up in one Court contradicting the other and which certainly would be unpleasant situation.

Hence, the executing Court should be well advised to tread with caution and attach great deal of circumspection while passing such omnibus orders.

The Registrar (General) is directed to circulate this order amongst all the Motor Accident Claims Tribunals in the State and executing Courts.

In the event, the Tribunal deems it necessary to pass such an omnibus order of freezing the entire financial bank transactions of the insurer/insurance company, the Tribunal shall assign reasons for resorting to this extreme measure of freezing the bank

transactions of the insurer/insurance company, failing which the issue would be viewed strictly.

Post on 29.01.2024.”

//TRUE COPY//

Sd/-K.SRINIVASA RAJU  
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. **The Registrar (General)**, High Court of Andhra Pradesh at Amaravati.(By **Special Messenger**)
2. The Chairman, Motor Accidents Claim Tribunal-cum-VIII Additional District and Sessions Judge, East Godavari at Rajamahendravaram (By RPAD)
3. One CC to Ms. A Jayanthi, Advocate [OPUC]
4. One CC to Sri P Gopala Krishna, Advocate [OPUC]
5. **Two spare copies**

cvss

HIGH COURT

GN,J &  
VN,J

DATED:09/01/2024

POST ON 29.01.2024.

ORDER

MACMA.No.783 of 2023

DIRECTION

*Registrar General*

