

Gujarat High Court

National vs Kaliben on 5 March, 2010

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Gujarat High Court Case Information System

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CA/6351/2009      1/ 2      ORDER

IN  
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL  
APPLICATION - FOR DIRECTION No. 6351 of 2009

In

FIRST  
APPEAL No. 2491 of 2008

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NATIONAL  
INSURANCE CO. LTD. - Petitioner(s)

Versus

KALIBEN  
RAJUBHAI VAGHRI & 1 - Respondent(s)

=====

Appearance  
:  
MS  
LILU K BHAYA for  
Petitioner(s) : 1,  
None for Respondent(s) : 1 -  
2.

=====

CORAM

:

HONOURABLE

MR. JUSTICE K.M. THAKER

Date  
: 05/03/2010

ORAL  
ORDER

The applicant has preferred present application seeking below mentioned prayer:

(A) To direct the Registry to transfer the amount of Rs.12,500/- deposited by the applicant with the Registry of the Hon'ble Court as deposit under Sec.173 of the M. V. Act vide cheque no.498996 dated 30.1.2008 drawn in the name of the Registrar, High Court of Gujarat drawn on UCO Bank, Nadiad forthwith.

(B) To dispense with affidavit in support hereof as the facts are matters of record.

(C) To pass such further orders as may be necessary looking to the facts and circumstances of the case.

Heard Ms. Jayshree Hingorani, learned advocate for Ms. Lilu Bhaya, learned advocate for the applicant.

Learned advocate Ms. Jayshree Hingorani has submitted that the appeal itself has been disposed of by order dated 25/8/2008. In the said order, the Court has passed specific direction with regard to the amount deposited as well as with regard to the disbursement of the amount granted in the award. Hence, as such the application is rendered infructuous. In view of the fact that the appeal itself is disposed of, present application cannot be entertained. However, with regard to the relief prayed for in para-4(A), it is clarified that the amount deposited by the appellant shall be governed by the direction given by the Court in First Appeal No.2491 of 2008.

With the aforesaid clarification, the application is disposed of.

(K.M.THAKER, J.) (ila) Top