

Gujarat High Court

United vs Jayaben on 31 July, 2008

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Gujarat High Court Case Information System

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CA/2392/2006      2/ 2      ORDER

IN  
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL

APPLICATION - FOR STAY No. 2392 of 2006

In

FIRST  
APPEAL No. 424 of 2006

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UNITED  
INDIA INSURANCE COMPANY LIMITED, RAJKOT. - Petitioner(s)

Versus

JAYABEN  
VALJIBHAI SAVALIYA - Respondent(s)

=====

Appearance  
:  
(MR  
PV NANA VATI) for  
Petitioner(s) : 1, MR VIBHUTI NANA VATI for Petitioner(s) : 1,  
None  
for Respondent(s) : 1,  
RULE SERVED for Respondent(s) : 1.2.1,  
1.2.2, 1.2.3, 1.2.4, 1.2.5

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CORAM

:

HONOURABLE

MR. JUSTICE H.K.RATHOD

Date

: 31/07/2008

ORAL

ORDER

The First appeal no. 424/2006 is admitted by this Court.

In this application, ad interim relief granted in favour of appellant Company on condition to deposit the amount before claims Tribunal as awarded by the Tribunal together with cost and interest.

The Tribunal has awarded Rs. 5,87,840/- in favour of respondent claimant with 9% interest. In favour of father of deceased Mohanbhai Jadavbhai Savalia, Tribunal has not awarded any amount of compensation, but considering the age of mother Nathiben Mohanbhai Savalia, Rs. 1,00,000/- is directed to be paid to her by A/c payee cheque and remaining amount is to be directed to be equally paid to claimants.

Learned advocate Mr. Thomas for learned advocate Mr. Nanavati submitted that amount of compensation as awarded by claims Tribunal together with cost and interest is deposited by Insurance Company before Claims Tribunal.

Therefore, claims Tribunal is directed to pay Rs. 50,000/- to Nathiben Mohanbhai Savalia by A/c payee cheque in her name and Rs. 1,50,000/- is directed to be paid to Jayaben Valjibhai Savalia widow of Valjibhai Mohanbhai Savalia, by A/c payee cheque and rest of amount is directed to be invested in any Nationalize Bank for a period of five years with periodical renewal. The FDR is in the name of respondent claimants to be remained with Nazir department of Tribunal. The respondent claimants are entitled periodical interest upon said FDR till appeal is finally decided by this Court.

In case of difficulty, it is open for claimants to file necessary application for further disbursement of amount.

Accordingly, Rule is made absolute in civil application.

(H.K.RATHOD, J) asma Top