

MOTOR ACCIDENT CLAIMS EXECUTION PETITION NO 47 OF 2025

ORDER BELOW EXH. 1

1. The Judgment Debtor – Dilipbhai Amarshibhai Sarvaiya - has been arrested by the Bailiff and brought before this Court in execution of the present decree.

2. Heard the decree holder, learned Advocate Mr RR Rawal for the decree holder and the judgment debtor.

3. This Court has informed the judgment debtor that he may apply to be declared as an insolvent and that, he may be discharged, if he has not committed any act of bad faith regarding the subject of the application and if he complies with the provisions of the law of insolvency for the time being in force. In reply, the judgment debtor has declined to apply accordingly. Instead, he has submitted that he does not have any money to pay the decree holder and he is required to be operated on 20-04-2026.

4. In my view, the judgment debtor has been given

ample time to make the payment and to put his defence to show his inability to make the payment. He has submitted his vakalatnama on 19-11-2025 and, thereafter, on most of the occasions, neither his learned Advocate nor he himself has appeared before this Court. Therefore, his plea cannot be accepted at this stage.

5. Considering the aforesaid statement made by the judgment debtor, it appears to be just and proper to pass the following order:-

ORDER

1. The judgment debtor – Dilipbhai Amarshibhai Sarvaiya - is ordered to be detained in civil prison for a period of 30 days from today in execution of the decree.
2. The judgment debtor has already deposited Rs. 21,000/- as subsistence allowance for the subsistence of the judgment debtor.
3. The expenses for the subsistence be met from the amount so deposited by the judgment debtor. The balance, if any, at the

end of the period of detention, or if the judgment debtor is released before the expiry of such period, on payment of decretal amount, be refunded to the judgment debtor.

Pronounced in the open Court today i.e.

17th April, 2026.

Place : JAMNAGAR **(SHAMNATH CHANDRAMOHAN VEMULLA)**
4th Additional District And Sessions Judge, And
Member, Motor Accidents Claims Tribunal (Aux)

Date : 17-04-2026

Code No. GJ00818