

ORDER BELOW PAYMENT APPLICATION

CLAIMANTS:

1. **Shilaben Bitenkumar Gariba**
R/o.: Nirmal jyoti Eye Hospital,
Garib Hospital, Mamlatdar Vadi,
Malad (West), Mumbai.
2. **Pannaben Jitendrakumar Jivarajani**
(As per amended O.B. Exh. 5)
R/o.: First Floor, Silver Oak Apartment,
B/h. Dhreshar Dairy, Nirmala Road,
Kalavad Road, Rajkot.

OPPONENTS:

1. **Shailesh Bhagvandas Anadkat**
2. **Legal heirs of deceased Nilesh Bhagvandas Anadkat**
 - 2/1. **Monaben Nilesh Anadkat**
 - 2/2. **Jay Nilesh Anadkat**
R/o.: Vrajraj and Vrajkan, Plot No. 170771,
Valkeshwari Nagari Phase-2,
Jamnagar.

1. Read the payment application given by the claimants for withdrawal of the amount of compensation deposited by opponents with this Court. Report of the Nazir, Principal Senior Civil Court, Jamnagar stating the amount having been deposited in the Court. Nazir has reported that, the amount of **Rs.5,07,433/-**

was deposited by the opponents dtd. 23/04/2026 vide Self Custody No. 451 and the said amount was converted into fixed deposit.

2. After issuing the notice, the said notice was duly served to the opponents. Though, the opponents have not appeared before this Court and not filed any kind of objection and not challenge the present application.

3. On perusal of the record, it transpires that my learned predecessor learned Principal Senior Civil Judge, Jamnagar had passed Judgment / Award on 26/12/2022 in Regular Civil Suit No. 240/2015 and passed order as under.

"The present suit is hereby allowed.

The amount of Rs.6,52,474/- belonging to the share of deceased Narandas Gordhandas Anadkat as partner in M/s. Manji Trikamji, a partnership firm alias Manji Trikamji and Co. deposited under Receipt No.0456959 in the Court is directed to be distributed in equal shares (25%) amongst the defendants. The plaintiffs are hereby discharged from suit.

The defendants shall the cost of the suit to the plaintiff."

4. That pursuant to that order the plaintiff has deposited the amount of 6,52,474/- in this Court. That the award has been passed in favour of the original defendants. Further it is required not that as per order plaintiff is entitled to recover cost of the suit.

But plaintiff has filled pursis that they do not want to recover cost of the suit. therefore deffendant are entitled to received entire amount. Further, it is transpired from the record that defendant No.1 and 4 have filed an application of disbursed the deposited amount on dtd. 25.01.2023 and the same was allowed. Defendant No.1 Daxaben Vasudev Popatlal has received an amount of Rs.2,53,717/- vide Cheque No.393776 and defendant No.4 Sarojben Bakulkumar Thakkar has received an amount of Rs.2,53,716/- vide Cheque No.393777. Both the present applicant entiled to receive the remaining amount as under :-

Name	Amount
Shilaben Bitenkumar Gariba	1,63,186/- (25% of deposited amount) alongwith interest.
Pannaben Jitendrakumar Jivarajani	1,63,186/- (25% of deposited amount) alongwith interest.

Therefore, the following order is passed in the interest of justice.

:- ORDER :-

1. The Nazir of Principal Senior Civil Court, Jamnagar is hereby ordered to encash the fixed deposited amount.
2. Further hereby order that **Rs.1,63,186/-** (Rs. One Lakh Sixty Three Thousand One Hundred Eighty-Six only) deposited is pay to the applicant no.1 - **Shilaben Bitenkumar Gariba** and **Rs.1,63,186/-** (Rs. One Lakh Sixty Three Thousand One

Hundred Eighty-Six only) deposited is pay to the applicant no.2 - **Pannaben Jitendrakumar Jivarajani** alongwith proportionate interest accrued, if any.

2. Nazir is directed to verify identification of claimants/applicants and issue account payee cheques.

3. The applicants are directed to produce the Election Card / Ration Card / Aadhar Card etc. along with their recent Passport size photograph as the proof of his personal identification at the time of receiving the payment.

4. The above payment is made with a condition that, if any, appeal is filed or contingency arises in future, the claimants shall deposit back the said amount with this Court without fail subject to the order passed in an appeal or to the order of Court.

Signed and Pronounced in this open Court on this 06th day of June, 2026.

Dt. 06/06/2026
Jamnagar

(**N. G. Parmar**)
Principal Senior Civil Judge,
Jamnagar
Judge Code: GJ00869