

MACMA No. 130 / 2026
(in MACP No.2/1985)

Order below Exh.1 :-

Applicant :

Lalchand Vasudevnbhai Advani

Aadhar Card No. : 5785 2130 2248
PAN Card No. : AJAPA5363K
Indian Bank A/c. No.: 516936760
IFSC Code : IDIB000J013
Branch Name : Near Kalwa Chowk, Junagadh

V E R S U S

Opponents :-

1. **Prabhudas Parsotambhai Lashkari**
R/o.Gondal.
2. **Gujarat State Road Transport Corporation,**
Ahmedabad.
3. **Habibkhan Hasankhan Pathan,**
4. **United India Assurance Co. Ltd.**
Junagadh.

:- ORDER :-

- (1) Herein, MACP No.2/1985 has been decided by Judgment and Award on 31.01.1992 and subsequently, the opponent No.2-GSRTC had preferred First Appeal No.2141/1993 before the Hon'ble High Court which was decided vide order dated 02.12.2011 and thus, concerned opponent has deposited the amount as per Award. Therefore, claimants have preferred present application to withdraw the deposited amount of award.

- (2) At the time of passing the Award, the Tribunal has passed the following order:

“સામાવાળા નં.૧ અને ૨ ના એ આ રકમ આ ટ્રીબ્યુનલમાં જમા કરાવવી અને આ રકમ જમા થયેથી રૂ.૫૨,૦૦૦/- ઉપર જણાવ્યા મુજબ રૂ.૫૨,૦૦૦/- પરના વાર્ષિક ૧૨ ટકાના વ્યાજ સાથે અરજદારના નામે કોઈપણ રાષ્ટ્રીયકૃત બેંકમાં પાંચ વર્ષની બાંધી મુદતની થાપણમાં રોકવા અને આ રોકાણ નીચેની શરતોને આધીન રહેશે.

(૧) આ રકમ તેની પસંદગીની કોઈપણ રાષ્ટ્રીયકૃત બેંકમાં બાંધી મુદતની થાપણમાં મુકવામાં આવશે.

(૨) આ બાંધી મુદતની થાપણ ઉપર અરજદાર ઇચ્છે તે મુજબનુ ચુકવવાપાત્ર થતું માસીક, ત્રીમાસીક, છ માસીક કે વાર્ષિક વ્યાજ જ્યારે અને ત્યારે ચુકવવાપાત્ર થાય તે અરજદારને ચુકવવામાં આવશે.

(૩) ઉપરોક્ત રોકાણ ઉપર પેશગી, કેશ કેડીટ કે ઓવરડ્રાફ્ટના સ્વરૂપ માં કોઈપણ સગવડ પ્રાપ્ત થશે નહીં તથા બેંક આ રોકાણને આધીન કે આ રોકાણની સલામતી ઉપર આવો કોઈ જ વ્યવહાર ચલાવશે નહીં.

(૪) બેંક બાંધી મુદતની થાપણની રસીદ કાઢ્યા પછી તરત જ બાંધી મુદતની થાપણની વિગતો જેવી કે રસીદ નંબર, રસીદ ધરાવનારનું નામ તથા પાકતી તારીખ આ ટ્રીબ્યુનલને જણાવશે.

(૫) ઉપરોક્ત સમય મર્યાદા પુરી થયે બેંક મુળ રકમ જે તે અરજદારને ચુકવી આપશે.”

- (3) But the opponent-2-GSRTC, being aggrieved and dissatisfied with that judgment and award, filed an appeal bearing R/2141/1993 wherein the Hon'ble High Court has passed following order on 02.12.2011:

“2. In view of the above judgement, the present appeal is dismissed on the same terms.”

- (4) Therefore, since the appeal preferred by the opponent No.2-GSRTC has been dismissed, subsequently, the applicant has filed the present application to withdraw the deposited award amount.

- (5) This Tribunal has passed following order at Exh.1:-

“The applicant/applicants shall furnish following information

immediately :-

1. Whether appeal has been preferred by either party?
2. Whether any stay order against execution of award of the Higher Court is there?

And further the Senior Clerk, M.A.C.T. Branch shall have endorsement of person concerned that whether any writ for filing of appeal has been received in this matter and whether any stay against execution of award is there or not ?”

- (6) Thereafter, the concerned Clerk has made an endorsement on 12.05.2026 that final writ of the Hon'ble High Court is received for First Appeal No.2141/1993 so far as present MACP is concerned. Same time, the statement has been made in the petition that opponent No.2 had preferred First Appeal No.2141/1993 before the Hon'ble High Court which was decided on 02.12.2011.
- (7) After the institution of the matter, notices were issued to the opponents and they were duly served but none of them have raised any objection for the present application.
- (8) The Nazir has endorsed on 01.06.2026 that amount of Rs.1,19,434/- stands credited in this petition vide “C” No.37 dated 01.06.2026. Nazir has further endorsed that amount of Rs.830/- has been deducted towards the Court Fees.
- (9) It is pertinent to note that the original claim petition was filed in the year 1985 and the appeal before the Hon'ble High Court was decided in the year 2011 and therefore, even considering the period of investment as ordered by the then Tribunal, such period has lapsed and therefore, it would be just and proper to disburse the **entire amount** in **cash** in favour of the applicant.

- (10) Therefore, considering the order of the Hon'ble High Court, considering the Award and amount, the following disbursement order is passed and the present application stands disposed off accordingly.

₹ 1,19,434/-	The amount deposited to satisfy the award.
Rupees One Lakh Nineteen Thousand Four Hundred Thirty Four Only	
NIL	Be recovered towards the deficit Court Fee Stamp and to be Credited to the Government.
₹ 1,19,434/-	Remaining Amount be disbursed to the applicant
Rupees One Lakh Nineteen Thousand Four Hundred Thirty Four Only	
<u>OUT OF WHICH</u>	
₹ 1,19,434/-	NEFT/RTGS Be paid to the Applicant through NEFT/RTGS mode in his/her bank account after proper verification and identification.
Rupees One Lakh Nineteen Thousand Four Hundred Thirty Four Only	

- Yadi be sent accordingly.

Date : 06.07.2026
Junagadh.

(B. G. Dave)
M. A. C. Tribunal (Main)
Junagadh
[GJ00469]