
CIVIL MISC. APPLICATION NO. 20 of 2026

Order below Exh.1 :-

1. By way of filing the pursis at Exh.4, the applicant – original defendant no.3 – Jilla Panchayat, Godhra has declared that they have no objection if the directions given in para 13 of the order dated 18th February, 2026 passed by the Hon'ble High Court of Gujarat in Second Appeal No. 149 of 2007 be complied with.

2. Read the pursis at Exh.4 and perused the entire record. Heard the learned advocates appearing for the respective parties. The applicant – original defendant no.3 has filed the present application for getting the amount of Rs.1,54,000/- with accrued interest as per the directions given in para 14 of the order dated 18th February, 2026 passed by the Hon'ble High Court of Gujarat (Coram : Hon'ble Mr. Justice J.C. Doshi) in Second Appeal No. 149 of 2007.

3. On perusal of the entire record and the order passed by the Hon'ble High Court in Second Appeal No. 149 of 2007, it appears that the Second Appeal filed by

the original defendant no.3 – present applicant was allowed and as such the judgment and decree passed in Special Civil Suit No. 36 of 1991 was quashed and set aside and consequently the suit of the plaintiff was ordered to be dismissed. It is pertinent to note that while allowing the Second Appeal filed by the present applicant – original defendant no.3, the Hon'ble High Court has been pleased to clarify as under :-

“13. It is hereby clarified that if any amount already paid to the plaintiff towards the compensation shall not be recovered but if any amount is deposited before the learned Trial Court by any judgment debtor, the same shall be refunded to the said judgment debtor/defendant with a accrued interest if any within four weeks from today.

14. At this juncture, learned advocate Mr. Shastri brought to the notice of this Court that Jilla Panchayat, Panchmahal has deposited Rs. 1,54,000/- before the learned Senior Civil Court, Panchmahal in Special Suit No. 36 of 1991 and Special Dharkhast No. 37 of 1998 by the receipt No. C No. 0177010. Thus, the Registry of the learned Trial Court is hereby directed to return the said amount with accrued interest if any, to the Jilla Panchayat,

Panchmahal within four weeks from today from the receipt of this order.”

4. Thus, in the said order, the Hon'ble High Court has been pleased to clarify that if any amount already paid to the plaintiff towards the compensation shall not be recovered. It transpires from the record that, the applicant – original defendant no.3 has filed the present application to get return the amount of Rs.1,54,000/- deposited in this court as per the directions given more particularly in para 14 of the said order. However, on perusal of the entire record, it emerges that the present applicant has deposited the amount of Rs.1,54,000/- on 18th May, 2007. It transpire from the record that the original plaintiff had filed the suit being Special Civil Suit No. 36 of 1991 for getting compensation and the said suit was decreed by judgment and decree dated 3rd December, 1997 in favour of the plaintiff with interest at 12% per annum from the date of the suit till its realization. It appears that the present applicant has preferred appeal against the said judgment and decree and the appellate court has partly allowed the appeal of the present applicant and reduced the rate of interest from 12% to 6% but

confirmed the order of granting the compensation. It further transpires from the record that being aggrieved and dissatisfied with the judgment and decree passed by the appellate court, the present applicant has preferred said Second Appeal No. 149 of 2007 which is ultimately allowed by the Hon'ble High Court and consequently the suit of the plaintiff was ordered to be dismissed.

5. It emerges further from the record that since the present applicant has deposited the compensation amount of Rs.1,54,000/- before this court on 18th May, 2007, the original plaintiff had filed Civil Misc. Application No. 61 of 2024 for getting the compensation amount deposited by the present applicant in which the plaintiff has categorically submitted that though the compensation amount was deposited, the plaintiff could not get the said amount. It appears that in the said Civil Misc. Application No. 61 of 2024, learned DGP appeared on behalf of the present applicant and he has orally consented to make payment to the plaintiff. It further appears that Civil Surgeon, Godhra had also filed a pursis vide Exh.6 in which he has categorically submitted that the compensation amount of Rs.1,54,000/-

is already deposited and if the said amount is paid to the plaintiff, he has no objection and accordingly, considering the pursis filed by the Civil Surgeon, Godhra and the oral submission of learned DGP, my learned predecessor has allowed the said Civil Misc. Application No. 61 of 2024 by order dated 10th December, 2024 and ordered to pay the compensation amount of Rs.1,54,000/- by way of Cheque in favour of Shardaben Keshubhai Vanzara. It was clarified in the said order, if any order passed against the plaintiff in the Second Appeal proceedings pending before the Hon'ble High Court, in such circumstances, the plaintiff has to return and re-deposit the said amount before this court and accordingly, in compliance of the said order, the amount of Rs.1,54,000/- already paid to the original plaintiff no.2 – Shardaben Keshabhai Vanzara by D No.36/2024-25 on 13th December, 2024. Thus, as such on the date when this court has received the order passed by the Hon'ble High Court in Second Appeal No. 149 of 2007, the compensation amount deposited by the present applicant had already been paid to the plaintiff no.2 in compliance of the order dated 10th December, 2024 in Civil Misc. Application No. 61 of 2024 and it appears

that the said real fact was not brought to the notice of the Hon'ble High Court by the learned advocate appearing on behalf of the present applicant before the Hon'ble High Court.

6. Admittedly, at present the compensation amount deposited by the present applicant is not lying with this court and as such the Hon'ble High Court, while allowing the Second Appeal, has been pleased to clarify that if any amount already paid to the plaintiff towards the compensation shall not be recovered and only in case, if the deposited amount is lying before the court in that case only, the said amount is to be returned to the present applicant with accrued interest if any. However, since the deposited amount is already paid to the plaintiff no.2 in compliance of the order dated 10th December, 2024 in Civil Misc. Application No. 61 of 2024, now there is no question of recovery has arisen as per the specific directions given by the Hon'ble High Court in the order passed in Second Appeal No. 149 of 2007.

7. Now, the present applicant, by way of filing the pursis at Exh.4, has declared that they have no

objection if the directions given in para 13 of the order dated 18th February, 2026 passed by the Hon'ble High Court of Gujarat in Second Appeal No. 149 of 2007 be complied with and as such the compensation amount deposited by the present applicant is already paid to the original plaintiff, therefore, now the present application does not survive.

8. In view of the pursis at Exh.4, since the present application does not survive, with the above facts and the circumstances, the same is disposed of with no order as to costs.

Pronounced in the National Lok Adalat on this 11th day of July, 2026.

Date: 11th July, 2026.

(Rajendra Ghanshyambhai Barot)
Principal Senior Civil Judge
Godhra, District : Panchmahals
Judge Code : GJ00572