

GJPM040003742026



C. M. A. No.5 of 2026
ORDER BELOW PAYMENT PURSIS
IN LAND REFERENCE CASE No.486 OF 2010

CLAIMANTS :

- Legal heirs of deceased Ambalal Babarbhair Patel.
- 1 Deceased Patel Premilaben Wd/o Ambalal Babarbhair.
 - 2 Patel Mahendrabhai Ambalal.
Age : 69 Years,
Resi. At : E-102, Temple View, Harni,
Near Motnath Mahadev,
Vadodara, Gujarat-390022.
 - 3 Patel Prakashbhai Ambalal.
Age : 66 Years,
Resi. At : A1-340, Blues Spring Field, New
Waghodiya Road, Opp. Gayatri Temple,
Pavlepur, Vadodara, Gujarat-390019.
 4. Patel Mafatlal Ambalal.
 5. Patel Dharmeshwariben D/o Ambalal and W/o
Patel Hasmukhbhai Govindbhai.

Versus

OPPONENTS :

1. State of Gujarat, Gandhinagar.
 2. The Executive Engineer,
Road & Building Department (State),
Godhra, Dist. Panchmahal.
1. Read the payment pursis given by the claimant Nos.2 and 3 for withdrawal of their part amount of compensation deposited by opponents with this Court. Heard the Ld. Advocate Mr. D. S. Gosai on behalf of the claimants. Upon due service of notices to the opponents, none has appeared before this Court.
2. On perusal of record it transpires that, earlier the present original deceased claimant Ambalal has filed LAR No.486 of 2010 u/s 18 of land acquisition Act to get enhancement of compensation amount against the present opponents,

wherein, after hearing the parties my Learned Predecessor Judge, has passed the judgment/award on 28.02.2018 in his favour. But he is died on date 20.01.2012 during trial of that reference case. Therefore, the claimant Nos.2 and 3 (who are surviving legal heirs of deceased Ambalal) have filed this application for getting only their part of share from amount of compensation. Further, it appears from the record that the present opponents have not challenged order and judgment passed by this Court in LAR No.486/2010 before higher forum/Court. Hence, it appears that order/judgment passed by this Court in LAR No.486/2010 attain finality.

3. It is pertinent to note here that earlier claimant Nos.4 and 5 have withdrawn their part of compensation amount vide CMA No.58/2025 dated 27.01.2026 of this Court. Thereafter, to avoid loss of interest this Court has kept the said remaining amount of Rs.7,88,238/- of compensation in FDR receipt vide FDR No.44935954312. Looking to the Death Certificates and Pedigree at Mark-3/1 to Mark-3/3 it appears that original claimant Ambalal and his wife Premilaben are died on dates 20.01.2012 and 10.12.2022 and present all claimants are their surviving legal heirs. But only opponent Nos.2 and 3 have filed this application for getting only their part of share. Further, the opponent No.3 has submitted his consent pursis dated 25.02.2026, wherein, he has declared that if his share of compensation amount is to be paid to Patel Mahendrabhai Ambalal i.e. the claimant No.2 then he has "No-objection". Said Patel Mahendrabhai Ambalal has also filed his undertaking dated 25.02.2026 stating that if any, contingency arises in future, he shall deposit back the said amount with this Court. Moreover, as the opponent No.1 Premilaben is died hence, her share of compensation is divided amongst opponent Nos.2 to 5. Therefore, considering the record, the present claimant Nos.2 and 3 are entitled to withdraw their entire remaining part of compensation and hence the following order is passed in the larger interest of justice :-

:: ORDER ::

- Nazir of this Court is hereby directed withdraw the said FDR No.44935954312 and pay its entire amount i.e.

Rs.7,88,238/- (Rupees Seven Lacs Eighty Eight Thousand Two Hundred Thirty Eight Only) alongwith whatever interest to Patel Mahendrabhai Ambalal, whose name is mentioned in the present payment pursis, by A/c. Payee Cheque after due verification and identification and only on his personal appearance at the time of payment.

- The claimant is directed to furnish the Election Card / Ration Card / Driving Licence etc. along with his recent passport size photograph as the proof of his personal identification at the time of receiving the payment.
- The above payment is made with a condition that, if any, contingency arises in future, he shall deposit back the said amount with this Court without fail.

Signed and pronounced in open Court today i.e. on this 22nd day of April, 2026.

Date : 22/04/2026.
Place : Halol.

V. T. Desai

[Rajeshkumar Batuklal Joshi]
Principal Senior Civil Judge,
Ta.Halol, Dist.Panchmahal.
(Code No.GJ00952)