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**IN THE COURT OF 3rd ADDITIONAL DISTRICT JUDGE,
RAJKOT AT DHORAJI**

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Civil Misc. Application No.11/2026

Exh. : ____

APPLICANT:-

Legal heir of Rajubhai @ Rajabhai Dayabhai Karmata,

1) Raniben Rajabhai Karmata,

Age:36 Years, Occ:Household Work,

2) Rushitaben Rajabhai Karmata,

Age:19 Years, Occ. Study,

3) Kanabhai Rajabhai Karmata,

Age:17 years, Occ. Study,

4) Dayabhai Rambhai Karmata(dead),

Age:73, Occ: None at present

5) Rajiben Dayabhai Karmata (rabari),

Age:66, Occ. Household work

Applicant no.3, through his mother applicant no.1

All R/o. Champadharnesh, Dhoraji,

Dist:Rajkot.

VERSUS

OPPONENT :-

I.C.I.C.I Lombard General Insurance Co. Ltd.,

Shop No.306/307/308, 3rd Floor,

07 Seaz Complex, Gate No.2, Motibaug Road, Junagadh.

Appearance :-

➤ Ld. Advocate **Mr. M.M.Patel** – for the Applicant.

Subject : To release the amount invested as Fixed Deposit.

-::ORDER::-

- 1] The present application has been preferred by the applicants for the release of the amount invested as Fixed Deposit in their names that has been awarded to them as compensation being the Applicants of MACP No.33 of 2020.
- 2] However, the Insurance Company had challenged the said order/judgement before the Hon'ble High Court of Gujarat by filing R/First Appeal No.1822 of 2022 and the Hon'ble High Court has ordered that out of the total amount, 70% of the amount be kept in the fixed deposit in the custody of Nazir of this Tribunal.
- 3] Thereafter, the Hon'ble High Court of Gujarat vide its order dated 09.01.2026 passed in R/First Appeal No.1822 of 2022 has held that no interference is called for in order passed by the Learned Tribunal of "pay and recover". The present First Appeals stands dismissed filed by the Insurance Company.
- 4] The Ld. Advocate for the applicant has submitted that as the Hon'ble High Court of Gujarat has dismissed the R/First Appeal No.1822 of 2022 filed by the Insurance Company, he prays to release the amount invested by way of FDR and argued that the present application may be allowed.
- 5] This Tribunal has heard the arguments of the Ld. Advocate for the claimant. As the Hon'ble High Court of

Gujarat has dismissed the R/First Appeal No.1822 of 2022 filed by the Insurance Company as the amount is small and meager, the following order is passed in the interest of justice.

::: FINAL ORDER :::

- (1) The present application is hereby allowed.
- (2) The Nazir of this Tribunal has verified that the above FDR No.00336336 for Rs.6,02,000/-, FDR No.00336337 for Rs.5,01,500/-, FDR No.00336340 for Rs.5,01,500/-, FDR No. 00336339 for Rs.2,00,500/- & FDR No. 00336338 for Rs.2,00,500/- is lying with the Nazir's Custody in the name of the applicants, hence he is hereby directed to hand over the above Fix Deposit Receipt to the present applicant after due and proper verification.
- (3) The Saurashtra Gramin Bank, Dhoraji, is hereby directed to issue/release the FDR No.00336336, FDR No.00336337, FDR No.00336340 , FDR No. 00336339 & FDR No. 00336338 to the respective claimants, with interest which has accrued till date, by way of RTGS/NEFT/Account payee cheque in the favour of the respective claimant, after due verification.
- (4) Yadi be sent to the concerned bank for compliance of this order.

Signed and Pronounced in the open Tribunal on this 12th day of March, 2026.

DHORAJI
DATE :12/03/2026

[ALIHUSEN MOHIBULLAH SHAIKH]
MACT (AUX)
RAJKOT AT DHORAJI
UIC No. GJ00521