

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2486 of 2024**

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STATE OF GUJARAT

Versus

PRAVINKUMAR SUKHALAL JAISWAL

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Appearance:

MR NIRAJ SHARMA, AGP for the Petitioner(s) No. 1

for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE SANDEEP N. BHATT**Date : 15/02/2024****ORAL ORDER**

1. Heard Mr. Niraj Sharma, the learned Assistant Government Pleader for the petitioner.

2. He has submitted that the impugned order dated 27.04.2022 passed by the learned Principal Senior Civil Judge, Jetpur is very harsh, without giving proper opportunity and without following proper procedure prescribed under the law. Additionally, he has submitted that the State Government has already deposited amount of compensation of Rs.2,68,163/-, but the judgment creditor claims that Rs.3,15,331/- is required to be deposited towards the decree along with interest accrued until 2019. According to the judgment creditor, the outstanding difference amounts to Rs.47,168/-. Furthermore, an additional interest of Rs.16,508/- at a rate of 15% for the period from 30th May, 2019 to 31st

July, 2021, is claimed in the application at Exh.12. Thus, the total outstanding sum stands at Rs.63,676/-. The trial court, upon consideration of the creditor's submission, has concluded that a '*Jangam*' Warrant of Rs.20,976/- should be issued instead.

3. Considering the submissions made at the bar, the present petition warrants consideration.

4. The concerned Department of the State Government shall deposit the sum of Rs.60,976/- as per the impugned order dated 27.04.2022. Considering the fact that the interest is accrued from the date of order till the date of deposit, the interest at the rate of 15% from the date of order till the date of deposit is required to be paid.

5. This amount shall be deposited within four weeks from today before the concerned trial court on condition that, issue Notice, making it returnable on 18.03.2024. In the meantime, ad-interim relief is granted in terms of paragraph 8(D) of the present petition, provided that the petitioner deposits the sum of Rs.60,976/- along with interest at the rate of 15% from the date of the order until the date of deposit.

Direct service is permitted.

(SANDEEP N. BHATT,J)

SRILATHA