

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4004 of 2025****With****R/SPECIAL CIVIL APPLICATION NO. 6425 of 2025**

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KIRANBHAI SHANTILAL SHAH THROUGH SHAH ADVERTISE AGENT
Versus
SHAILESH S SHAH

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Appearance:

JIGNESHKUMAR M NAYAK(8558) for the Petitioner(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**Date : 17/06/2025****ORAL ORDER**

Learned advocate Mr.Jigneshkumar Nayak submits that the petitioner establishment does not have the strength of 10 employees and therefore, Payment of Gratuity Act, 1972 would not be applicable. Learned advocate Mr.Nayak further submitted that in the recovery application filed before the learned court, the employee himself has submitted that there are 6 employees working in the petitioner establishment. To establish that strength of the employees are less than 10, petitioner has produced a copy of the Rojmel as well as group insurance Form N wherein, also the strength of the employee is mentioned as 5 in number. Learned advocate Mr.Nayak

submits that without dealing with the evidence adduced by the present petitioner in a true and proper spirit, learned Controlling Authority has passed an order directing the present petitioner to pay the amount of gratuity which was confirmed by the learned Appellate Authority.

In view of the above submissions, let Notice be issued making it returnable on 31.07.2025.

Record and proceedings be called for. The amount deposited before the learned Appellate Authority shall not be disbursed till the next date of hearing.

(M. K. THAKKER,J)

NIVYA A. NAIR