

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO.226 of 2022
In R/SPECIAL CIVIL APPLICATION NO.131 of 2019
With

CIVIL APPLICATION (FOR INTERIM RELIEF) NO.1 of 2022
In R/LETTERS PATENT APPEAL NO.226 of 2022

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SURENDRANAGAR DISTRICT PANCHAYAT

Versus

THAKARSHIBHAI AMARSHIBHAI CHAUHAN

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Appearance :

MR HS MUNSHAW for the Appellants.

MR TIRTHRAJ PANDYA, AGP ON ADVANCE COPY SERVED TO GOVERNMENT
PLEADER for the Respondent No.2.

MR NILESH M SHAH for the Respondent No.1.

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CORAM:HONOURABLE MR. JUSTICE A.J.DESAI

and

HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 11/10/2022

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A. J. DESAI)

ORDER IN LETTERS PATENT APPEAL

We have heard Mr. H.S. Munshaw, learned advocate appearing for the appellants, Mr. Nilesh M. Shah, learned advocate appearing for respondent No.1 and Mr. Tirthraj Pandya, learned Assistant Government Pleader appearing for respondent No.2

The appeal is already admitted on 12.4.2022. To be heard with Letters Patent Appeal No.941 of 2021 and allied appeals.

ORDER IN CIVIL APPLICATION

We have heard learned advocates appearing for the respective parties. We have also gone through several orders

passed by the Division Bench of this Court while examining the facts of the case in the appeal, one of such order dated 20.10.2021 passed by the Division Bench (Coram :- Hon'ble Chief Justice Arvind Kumar and Hon'ble Mrs. Justice Mauna M. Bhatt) in Letters Patent Appeal No.941 of 2021. We are of the opinion that the facts of the present appeal are identical in nature to that of the above referred appeal, similar order can be passed. Hence, we pass the following order :-

The implementation, operation and execution of the order passed by learned Single Judge shall remain stayed on condition that the amount quantified by learned Single Judge shall be deposited by the appellant before this Court within an outer limit of ten weeks from today. It is made clear that in the event of amount not being deposited, the stay granted by this Court shall stand automatically vacated without reference to the Bench and on such deposit being made, the Registry is hereby directed to invest the said amount in a Fixed Deposit with any Nationalised Bank initially for a period of one year and thereafter it may be renewed till the appeal is finally heard and decided, without reference to the Court. It is needless to say that the successful party would be entitled to receive the proceeds of Fixed Deposit inclusive of interest accrued thereon.

With the above direction, present civil application stands disposed of.

(A. J. DESAI, J)

(MAUNA M. BHATT,J)

SAVARIYA