

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/FIRST APPEAL NO. 2035 of 2015**

=====

GITABA PATHUBHA JADEJA & ORS.  
Versus  
BHUPATBHAI N.SOLANKI & ORS.

=====

**Appearance:**

MR ARVIND K THAKUR(2322) for the Appellant(s) No. 3  
MR DV BHAVSAR(5575) for the Appellant(s) No. 1,2,4,5  
MS HETABEN H SHAH(1797) for the Appellant(s) No. 3  
DELETED for the Defendant(s) No. 1  
MR SUNIL B PARIKH(582) for the Defendant(s) No. 3,6  
RULE SERVED for the Defendant(s) No. 2,4,5

=====

**CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE****Date : 24/03/2026****ORAL ORDER**

1. Heard learned advocate Mr. Hetaben H. Shah appearing for the appellant who has joined through virtual mode.

2. Learned advocate has completed her arguments. Reliance is placed on 2 unreported decisions of the Division Bench of this Court in the case of **Oriental Insurance Company Ltd. Vs Chetnaben Mahendrabhai Thacker and Ors., in First Appeal No. 4397 of 2007, judgment dated 03.11.2014,** and in the case of **Manoj Rambhai Gadhvi Vs. Vaghasia Balubhai Khodabhai reported in (2000) Vol 3 GLR 1985,** on the ground that Tribunal committed grave error in confining the awarding of interest to the extent 7.5 % instead of 12% as awarded by the Hon'ble Division Bench of this Court in the aforesaid cases.

3. Learned advocate Mr. Sunil B. Parikh appearing for the respondent-Insurance Company prays for an adjournment to place on record the judgment of the Hon'ble Supreme Court taking contrary view. According to learned advocate this would amount to penal interest.

4. Considering the request of the learned advocate for the respondent Insurance Company, S.O to **25.03.2026**.

To be notified at serial No. 1 in the separate Board.

MARY VADAKKAN

**(NISHA M. THAKORE,J)**