

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 5712 of 2019
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2019
In
R/FIRST APPEAL NO. 5712 of 2019

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THE ORIENTAL INSURANCE COMPANY LIMITED
Versus
POOJA PAPER TUBE INDUSTRIES

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Appearance:

MS KARUNA V RAHEVAR(3818) for the Appellant(s) No. 1
THAKKAR AND PAHWA ADVOCATES(1357) for the Defendant(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE A.G. URAIZEE

Date : 09/02/2022
ORAL ORDER

Order in First Appeal

Heard Ms. Karuna V. Rahevar, learned advocate for the appellant and Mr. Siddharth Vadoriya, learned advocate for Thakkar and Pahwa Advocates for the respondent.

Admit. Mr. Siddharth Vadoriya, learned advocate waives service of notice of admission on behalf of the respondent.

Order in Civil Application

1. Heard Ms. Karuna V. Rahevar, learned advocate for the applicant and Mr. Siddharth Vadoriya, learned advocate for Thakkar and Pahwa Advocates for the respondent.

2. Rule returnable forthwith. Mr. Siddharth Vadoriya, learned advocate waives service of notice of rule on behalf of the respondent.

3. Ms. Karuna Rahevar, learned advocate for the applicant submits that the amount of compensation awarded by the trial Court along with interest is deposited. She, therefore, urges that the implementation, operation and execution of the impugned judgment and order of the trial Court as well as the execution proceedings being No.833/2018 may be stayed during the pendency of the appeal.

4. Mr. Vadoriya, learned advocate urges that the deposited amount may be invested in cumulative fixed deposit so that neither parties suffer loss of interest.

5. In view of the above, the implementation, operation and execution as well as proceedings of execution proceedings being No.833/2018 is stayed during the pendency of the appeal.

6. The trial Court is directed to invest the deposited amount in cumulative fixed deposit in any nationalized bank initially for a period of five years and keep on renewing the same till disposal of the appeal. The FDR receipt shall be retained in the custody of the Nazir of the trial Court. No loan, advance or encumbrance known by any nomenclature shall be permitted on the FDR. Rule is made absolute.

(A.G.URAIZEE, J)

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