

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 101 of 2005****With****CIVIL APPLICATION (FOR VACATING INTERIM RELIEF) NO. 1 of 2007****In R/CIVIL REVISION APPLICATION NO. 101 of 2005**

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COMMISSIONER JUNAGADH MUNICIPAL CORPORATION**Versus****JAWAHAR P CHAVDA**

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Appearance:**MR MEHUL S SHAH, SENIOR ADVOCATE with****MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1****MR ANSHIN DESAI, SENIOR ADVOCATE with****URMI H RAVAL(8361) for the Opponent(s) No. 1**

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CORAM: HONOURABLE MR. JUSTICE A.S. SUPEHIA**Date : 15/09/2022****ORAL ORDER**

1. Learned senior advocate Mr.Shah, appearing for learned advocate Mr.Dagli, requests for some time in the matter.

2. Vehemently opposing the time granted to the applicant, learned senior advocate Mr.Anshin Desai, appearing for opponent has submitted that the orders passed by this Court dated 11.05.2005 directing the petitioner to pay 50% of the decretal amount to the respondent is not complied with. He has also invited the attention of this Court to the order dated 19.10.2007 passed in Civil Application (for vacating interim relief) No.13515 of 2007 (now - CA No.1 of 2007).

3. On 11.05.2005, this Court had passed the following order :-

"Rule. Learned advocate Mr. Harin Raval waives service of rule. Pending this Revision Application, there shall be stay in terms of paragraph 7 [D] on condition that the petitioner pays 50% [fifty per cent] of the decretal amount to the respondent within one month from today."

4. It appears that thereafter, the applicant filed an application for vacating interim relief being Civil Application No.1 of 2007. In the order dated 19.10.2007, the Court has directed thus : -

"6. In view of these facts, I hereby direct the present respondent (original petitioner) to deposit Rs.45,69,620/- before the Court on or before 1st November, 2007. this deposition of the amount will be without prejudice to the right and contentions of the respondent (original petitioner) and the same deposition of amount will not be treated as an admission of any fact on the part of the present respondents."

5. Thus, both the orders reflect that the applicant - Corporation was directed to deposit Rs.45,69,620/- before this Court on or before 01.09.2007.

6. Learned advocate Mr.Dagli, shall take appropriate instructions in this regard, whether such an amount has been deposited before this Court or not, on or before the next date of hearing.

7. Stand over to **29.09.2022.**

(A. S. SUPEHIA, J)